



CRL MP(MD) No.5321 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of May Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL MP(MD) No.5321 of 2024

in

CRL RC(MD) No.493 of 2024

M.BAJURUTHEEN

... Petitioner / Petitioner / Appellant / Accused

Vs

R.SARAVANAN

... Respondent / Respondent / Respondent /
Complainant

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence passed on 17.10.2023 in Crl.A.23 of 2023 on the file of Principal Sessions Judge, Ramanathapuram Confirming the Judgment dated 21.02.2023 made in S.T.C.No.177 of 2020 on the file of District Munsif Cum Judicial Magistrate Court, Rameswaram and enlarge the petitioner on bail pending disposal of the above criminal revision.

Prayer in CRL RC(MD). 493/ 2024 :

To call for the records relating to the judgment dated 17.10.2023 made in Crl.A.No.23 of 2023 on the file of Principal Sessions Judge, Ramanathapuram confirming the judgment dated 21.02.2023 passed in S.T.C.No.177 of 2020 on the file of District Munsif cum Judicial Magistrate Court, Rameswaram and set aside the same.



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Order : This criminal miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.RAMANUJAM, Advocate for M/S. GANDHI ASSOCIATES, Advocate for the petitioner, while admitting the criminal revision case, the Court made the following order:-

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in S.T.C.No.177 of 2020, vide judgement dated 21.02.2023, which was confirmed by the lower appellate Court in C.A.No.23 of 2023, vide judgement dated 17.10.2023, pending disposal of the Criminal Revision Petition.

2. The learned District Munsif cum Judicial Magistrate, Rameswaram, vide judgment dated 21.02.2023 passed in S.T.C.No.177 of 2020, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo 3 months simple imprisonment and to pay the cheque amount of Rs.10,00,000/- as compensation under Section 357(3) Cr.P.C. to the respondent/complainant, in default, to undergo two months simple imprisonment. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.23 of 2023, which was also confirmed by the learned Principal Sessions Judge, Ramanathapuram, vide judgment dated 17.10.2023.

3. Challenging the conviction and sentence slapped by the Trial Court and the



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lower Appellate Court, the petitioner is before this Court.

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4. The learned counsel appearing for the petitioner submitted that there is no duly proved legally enforceable debt as against the petitioner and there are arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.

5. Heard the learned counsel appearing for the petitioner and perused the impugned judgments and the materials on record.

6. Taking into consideration of the above submission of the learned counsel appearing for the petitioner, this Court finds that the petitioner has substantial grounds in this Criminal Revision Petition, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows :

(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the concerned Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on his executing own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned District Munsif cum Judicial Magistrate, Rameswaram.



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(ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the concerned Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

(iii) The petitioner shall appear before the Trial Court as and when required.

sd/-
22/05/2024

/ TRUE COPY /

/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

To

1.The Principal Sessions Judge,
Ramanathapuram.

2.The District Munsif cum Judicial Magistrate,
Rameswaram.

3.Do through the Chief Judicial Magistrate,
Rameswaram District.

+1 CC to M/s.M/S.GANDHI ASSOCIATES, Advocate (SR-5758[I] dated
24/05/2024)



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ORDER

IN

CRL MP(MD) No.5321 of 2024

in

CRL RC(MD) No.493 of 2024

Date :22/05/2024

ED/ VR /SAR- (28/05/2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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