



CRL MP(MD) No.5323 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.5323 of 2024

in

CRL RC(MD) No.494 of 2024

HAITHAR ALI

... Petitioner / Petitioner

Vs

NATARAJAN

... Respondent / Respondent

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by suspending the sentence imposed upon him in S.T.C.No.216 of 2019 on the file of the Learned District Munsif cum Judicial Magistrate, Srirangam, Tiruchirappalli District dt,25.05.2022 which had been confirmed in Crl.A.No.51 of 2022 on the file of the learned I Additional District and Sessions Judge (PCR), Tiruchirappalli, Tiruchirappalli District by judgment dated 08.03.2024 pending disposal of the main criminal revision petition.

Prayer in CRL RC(MD). 494/ 2024 :

To call for the records and Set-aside the Judgment dated 08.03.2024 passed in Crl.A.No.51 of 2022 on the file of the Learned I Additional District and Sessions Judge (PCR), Tiruchirappalli, Tiruchirappalli District, confirming the conviction and sentence imposed upon the petitioner in S.T.C.No.216 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Srirangam, Tiruchirappalli District, dated 25.05.2022 and acquit the petitioner.



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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 M/S.SURESHKANNAN.C, 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.216 of 2019, vide judgement dated 25.05.2022, which was confirmed by the lower appellate Court in C.A.No.51 of 2022, vide judgement dated 08.03.2024, pending disposal of the Criminal Revision Petition.

2. The learned District Munsif cum Judicial Magistrate, Srirangam, vide judgment dated 25.05.2022 passed in S.T.C.No.216 of 2019, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and to pay the amount of Rs.26,53,300/- as compensation under Section 357(3) Cr.P.C. to the respondent/complainant, in default, to undergo three months simple imprisonment. Challenging the above judgment, the petitioner preferred an appeal in Crl.A.No.51 of 2022, which was also confirmed by the learned I Additional District and Sessions Judge (PCR), Tiruchirappalli, vide judgment dated 08.03.2024.

3. Challenging the conviction and sentence slapped by the Trial Court and the lower Appellate Court, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner submitted that there is no



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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 petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) within a period of four weeks from the date of receipt of copy of this order to the credit in S.T.C.No.216 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Srirangam, failing which the sentence suspended shall automatically dismissed and the concerned police is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law;

(ii) On such deposit, the petitioner shall execute a bond for a sum



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of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties,
each for a like sum to the satisfaction of the District Munsif cum Judicial
Magistrate, Srirangam;

(iii) The sureties shall affix their photographs and Left Thumb
Impression in the surety bond and the trial Court may obtain a copy of
their Aadhar card or Bank Pass Book to ensure their identity; and

(iv) The petitioner shall appear before the trial Court once in
a month i.e., on the first working day of every English calendar month
at 10.30 a.m., until further orders and if he is not able to appear before
the trial Court on any day, he shall make arrangements to file an
application under Section 317 of Cr.P.C and shall appear before the trial
Court on any other day in lieu of the date of his absence, as directed by
the trial Court.

sd/-
22/05/2024

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

CSM



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To

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1.The I Additional district and Sessions Judge (PCR),
Tiruchirappalli, Tiruchirappalli District.

2.The District Munsif cum Judicial Magistrate,
Srirangam.

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

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-5656[I] dated 23/05/2024)

ORDER
IN
CRL MP(MD) No.5323 of 2024
in
CRL RC(MD) No.494 of 2024
Date :22/05/2024

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

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