



CRL MP(MD) No.7044 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Eighteenth day of July Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice K.K.RAMAKRISHNAN
CRL MP(MD) No.7044 of 2024
in
CRL RC(MD) No.242 of 2023

1 NISHANTH CONSTRUCTION
REP.BY ITS PARTNER
M.MURUGAN

2 M.MURUGAN

... PETITIONERS/PETITIONERS/PETITIONERS

Vs

S.MANI
REP BY HIS POWER OF ATTORNEY
E.BABU

... RESPONDENT/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 Extend the time to execute surety bonds and pay the deposit amount as ordered by this Honourable Court in Crl.M.P.(MD).No.3389/2023 in Crl.RC(MD).No.242/2023 by order dt 28.02.2023.

Prayer in CRL MP(MD).3389/2023 :

To Suspend the sentence imposed upon him by judgment in CA.No.114 of 2018 dt.7.12.2022 on the file of the Additional District and Sessions Court, Padmanabhapuram, Kanyakumari District confirming the judgment in STC.No.527 of 2015 dt 06.08.2018 on the file of the Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District.

Prayer in CRL RC(MD). 242/ 2023 :

To call for the entire records relating to the judgment passed in CA.No.114 of 2018 dt.7.12.2022 on the file of the Additional District and Sessions Court, Padmanabhapuram, Kanyakumari District confirming the Judgment in STC.No.527 of 2015 dt 06.08.2018 on the file of the Judicial Magistrate No.I, Padmanabhapuram,

<https://www.nmhc.tn.gov.in/judis>



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Kanyakumari District 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 M/S.PERUMAL.C.T, Advocate for the petitioner and of MR.T.RUSSAL RAJ, Advocate on behalf of the Respondent, the court made the following order:-

This petition has been filed to extend the time to execute surety bonds and pay the deposit amount, as ordered by this Court in Crl.M.P.(MD)No.3389 of 2023 in Crl.R.C(MD)No.242 of 2023 by order dated 28.02.2023.

2.This Court has passed the following order:

“This petition is filed to suspend the sentence passed in S.T.C.No.527 of 2015, dated 06.08.2018 on the file of the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District and the same was confirmed in C.A.No.114 of 2018, dated 07.12.2022 on the file of the learned Additional District and Sessions Court, Padmanabhapuram, Kanyakumari District, pending disposal of the Criminal Revision Case.

2.The learned counsel appearing for the petitioners submitted that the petitioners were convicted for the alleged offence under Section 138 of Negotiable Instrument Act and sentenced to undergo simple imprisonment for a period of two years and also awarded compensation a sum of Rs.80,00,000/-. Aggrieved by the same, the petitioners have preferred an appeal in C.A.No.114 of 2018, before the Additional District



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and Sessions Court, Padmanabhapuram, Kanyakumari District and the same was dismissed by confirming the judgment in S.T.C.No.527 of 2015 dated 06.08.2018. Hence, the petitioner seeks suspension of sentence.

3.The learned counsel for the petitioners submitted that the respondent has not produced any documents before the trial Court as well as the appellate Court to show that the amount was transferred to the revision petitioners' account. 4.In view of the above submission made by the learned counsel for the petitioners, this Court is inclined to suspend the sentence imposed upon the petitioners, on the condition that the petitioners shall deposit 20% of the compensation amount before the trial Court in S.T.C.No.527 of 2015, jointly. 5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District, and on further condition that the petitioners shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the revision."



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3. When the matter is taken for hearing today, the learned Counsel for the petitioner submits that the petitioners have already deposited 20% of amount i.e., Rs.3,00,000/- (Rupees Three Lakhs only) in S.T.C.No.527 of 2015 on the file of the Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District, at the time of suspension of sentence granted during the pendency of this appeal. Now the petitioners are ready to pay a sum of Rs.13,00,000/- (Rupees Thirteen Lakhs only).

4. In view of the above submission made by the learned Counsel for the petitioner, this Court directs the petitioners to deposit a sum of Rs.13,00,000/- (Rupees Thirteen Lakhs only) in S.T.C.No.527 of 2015 on the file of the Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District on or before 22.07.2024, and further directs the Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District to receive the said amount and re-deposit the said amount of Rs.13,00,000/- (Rupees Thirteen Lakhs only) in any one of the Nationalized Bank in interest bearing account.

6. Post the matter on 24.07.2024 for compliance.

sd/-
18/07/2024

/ TRUE COPY /

18/07/2024
Sub-Assistant Registrar (C.S.2)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE JUDICIAL MAGISTRATE NO.I, PADMANABHAPURAM,
KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PADMANABHAPURAM, KANYAKUMARI DISTRICT.

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-8062[I] dated 18/07/2024)

+1 CC to M/s.FEMY PARIMALA, Advocate (SR-8099[I] dated 18/07/2024)

ORDER IN
CRL MP(MD) No.7044 of 2024
in

CRL RC(MD) No.242 of 2023

Date :18/07/2024

RS//SAR-(18.07.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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