



CRL.M.P.(MD)No.7696 of 2024

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

Thursday, the First day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL.M.P.(MD)No.7696 of 2024
in
CRL.R.C.(MD)No.730 of 2024

R.MANIMARAN

... PETITIONER/ APPELLANT/
ACCUSED (SOLE)

Vs

P.PERIYASAMY

... 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 enlarge the petitioner on bail by suspending the sentence imposed by the Fast Track Judicial Magistrate Court, Srivilliputhur in CC.No.101/2020 by his judgment dated 03.03.2021 which was confirmed by the Principal District and Sessions Judge, Srivilliputhur, Virudhunagar District in C.A.No.46 of 2021 by Judgment dated 19.06.2024, pending the disposal of the Main Criminal Revision Petition on the file of this Hon'ble Court.

Prayer in CRL RC(MD). 730/ 2024 :

To call for the entire records relating to the judgment of the Principal District and Sessions Judge, Srivilliputhur passed in C.A.No.46 of 2021 dt 19.06.2024 confirming the conviction and sentence passed by the Fast Track Judicial Magistrate Court, Srivilliputhur in C.C.No.101 of 2020 dated 03.03.2021 and set aside the same by allowing the present Criminal Revision Petition and acquit the Petitioner/accused.



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Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.P. VENKATESAN, Advocate for the petitioner, while admitting the Criminal Revision Case, the court made the following order:-

This petition is filed to suspend the sentence imposed on the petitioner by the learned Principal District and Sessions Judge, Srivilliputhur in C.A.No.46 of 2021, dated 19.06.2024, in confirming the conviction and sentence imposed by the learned Fast Track Judicial Magistrate Court, Srivilliputhur, in C.C.No.101 of 2020, dated 03.03.2021 and release the petitioner on bail pending disposal of the Criminal Revision Petition.

2. The case of the prosecution is that the petitioner and the complainant are close friends. On 02.05.2019, the petitioner has borrowed a sum of Rs.3,00,000/- for developing his business on promise of returning the same within two months. At the time of receiving the amount, complainant's friends were on the spot. On 04.07.2019, when the complainant asked his money, the petitioner gave a cheque bearing No.012505. When the cheque was presented for payment by the complainant, the same was returned as "Insufficient funds". The said information was conveyed by the bank on 05.07.2019 with return memo. Thereafter, the complainant has sent a legal notice on 23.07.2019 and the same was received by the petitioner's mother on



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24.07.2019. Then a complaint was lodged by the complainant and respondent police have registered FIR under Section 138 and 142 of the Negotiable Instrument Act.

3.During trial, the complainant has examined as P.W.1 and exhibited 4 documents as Ex.P.1 to Ex.P.4. On the side of the accused, 2 witnesses were examined as D.W.1 and D.W.2 and 2 documents were exhibited.

4.The learned Fast Track Judicial Magistrate Court, Srivilliputhur,, after full-fledged trial, has passed the judgment in C.C.No.101 of 2020, dated 03.03.2021 and convicted the petitioner/accused for the offence under Section 138 of the Negotiable Instrument Act, and sentenced him to undergo two years Simple Imprisonment and to pay a compensation of Rs.5,000/- (Rupees Five Thousand Only), in default to undergo three months Simple Imprisonment. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeal before the Principal District and Sessions Judge, Srivilliputhur, in Crl.A.No.46 of 2021. However, the same was dismissed on 19.06.2024, thereby confirming the conviction and sentence imposed on the petitioner. Aggrieved over the above said conviction and sentence, imposed by the Courts below, the petitioner preferred the present Criminal Revision Case along with the present Miscellaneous Petition seeking for suspension of sentence.



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5.The learned counsel for the petitioner submitted that there are some arguable points involved in the criminal revision and the learned trial Judge as well as the Appellate Judge has not considered the evidence in proper prospective and hence, the judgments are suffered from perversity. He further submitted that the petitioner has also undertaken to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) of the compensation amount to the respondent. Hence, he seeks for the suspension of sentence.

6.This Court has carefully considered the submission made by the counsel for the petitioner and also perused the materials available on record.

7.Considering the fact that the petitioner undertakes to deposit a further sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) of the compensation amount and there was no antecedent against the petitioner and there are some arguable points involved in the criminal revision, this Court is inclined to grant suspension of sentence.



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8. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions:-

(i) The petitioner shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) of the compensation amount to the credit of S.T.C.No.31 of 2022 on the file of the learned Fast Track Judicial Magistrate Court, Srivilliputhur, on or before 16.08.2024, failing which, the sentence suspended shall automatically dismissed and the respondent 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 of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Fast Track Judicial Magistrate Court, Srivilliputhur;

(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

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



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first working day of every English calendar month at 10.30 a.m., until further orders.

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8.1.The learned trial judge, is hereby directed to re-deposit the entire amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) in any one of the Nationalized Bank in interest bearing account.

9.Post the matter on 19.08.2024, for reporting compliance.

sd/-
01/08/2024

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/08/2024
Sub-Assistant Registrar (CS-I/ II / III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

rjr

TO

1.THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, SRIVILLIPUTHUR.

2.THE FAST TRACK JUDICIAL MAGISTRATE, SRIVILLIPUTHUR.

+1 CC to M/s.P.VENKATESAN, Advocate (SR-9187[I] dated 01/08/2024)



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ORDER
IN
CRL.M.P.(MD)No.7696 of 2024
in
CRL.R.C.(MD)No.730 of 2024
Date :01/08/2024

RK/VR (05/08/2024) 7P / 4C

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