



CRL.M.P(MD).No.11755 of 2024

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

Monday, the Fourth day of November Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL.M.P(MD).No.11755 of 2024

in

CRL.R.C(MD).No.1073 of 2024

MARUTHUPANDIAN ... PETITIONER/ APPELLANT/ ACCUSED

Vs

VISWANATHAN ... 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 by First Additional District and Sessions Judge (PCR) Tiruchirappalli in C.A No. 114 of 2019 dt. 24.08.2022 confirming the judgment passed in STC No. 1/2019 dt. 26.06.2019 on the file of the learned Judicial Magistrate, Manapparai, pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD). 1073/ 2024 :

To call for the records relating to the judgment passed in C.A No. 114/2019 dt. 24.08.2022 on the file of the First Additional District and Sessions Judge (PCR) Tiruchirappalli confirming the judgment passed in STC No. 1/2019 dt. 26.06.2019 on the file of the Learned Judicial Magistrate, Manapparai and to set aside the same thereby discharge the revision petition from the charges.



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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.PANDIARAJAN.P, Advocate for the petitioner and of Mr.N.KAMESH, Advocate on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed by the learned Judicial Magistrate, Manapparai, in S.T.C.No.1 of 2019, dated 26.06.2019, which was confirmed in Criminal Appeal No.114 of 2019, dated 24.08.2022, by the learned I Additional District and Sessions Judge (PCR), Thiruchirappalli, pending disposal of the Criminal Revision Case.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 26.06.2019 for the alleged offence under Section 138 of Negotiable Instrument Act and sentenced him to undergo simple imprisonment for a period of one year and to pay a sum of Rs.3,00,000/- (Rupees Three Lakhs only) as compensation to the respondent, in default to undergo simple imprisonment for a period of three months in S.T.C.No.1 of 2019 on the file of the learned Judicial Magistrate, Manapparai.

3. The learned I Additional District and Sessions Judge (PCR), Thiruchirappalli confirmed the conviction and sentence, and dismissed the Criminal Appeal No.114 of 2019, dated 24.08.2022. Challenging the same, the present Criminal Revision case has been filed before this Court along with this miscellaneous petition.



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4. It is submitted by the learned counsel for the petitioner that the petitioner is in custody from 10.08.2023. He has also submitted that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses.

5. This Court has carefully considered the submission of the learned counsel appearing on either side, and has also perused the materials available on record.

6. The learned counsel for the respondent/complainant submitted that compromise talk is going on between the parties. He has also submitted that his client has no objection to this petition.

7. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies present in this case, and also there are certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further, the criminal revision is not likely to be taken up for final hearing in the near future and as such, and also considering the fact that the respondent has not raised any objection to this petition, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

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



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directions :

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(i) 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 Judicial Magistrate, Manapparai.

(ii) 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

(iii) 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.

sd/-
04/11/2024

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04/11/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN

TO

1 THE FIRST ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR),
TIRUCHIRAPPALLI.

2 THE JUDICIAL MAGISTRATE,
MANAPPARAI.



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3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

ORDER
IN
CRL.M.P(MD).No.11755 of 2024
in
CRL.R.C(MD).No.1073 of 2024
Date :04/11/2024

SA/SAR. /04.11.2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.