



CRL MP(MD) No.12339 of 2024

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

Tuesday, the Nineteenth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL MP(MD) No.12339 of 2024

in

CRL RC(MD) No.1166 of 2024

SIVABHARATHI

... Petitioner / Petitioner

Vs

KOTHANDARAMAN

... 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 suspend the sentence imposed by judgment made in C.A No. 70 of 2023 passed by the learned Principal Sessions Judge, Thanjavur dt. 02.11.2023 in confirming the order of the conviction and sentence dt. 20.10.2022 in STC No. 62/2021 on the file of the learned Judicial Magistrate, Fast Track Court, (Magisterial Level), Pattukkottai.

Prayer in CRL RC(MD). 1166/ 2024 :

To call for the records pertaining to the impugned judgment and conviction passed by the learned Judicial Magistrate Fast Track Court, (Magisterial Level) Pattukottai dt. 20.10.2022 made in STC No. 62/2021 and which is confirmed by the learned Principal Sessions Judge, Thanjavur in C.A.No.70 of 2023 dated 02.11.2023 and set aside the same and allows the above revision petition.

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.K.M.KARUNAKARAN, Advocate for the petitioner and of M/s.D.GNANASEKARAN, Advocate on behalf of the Respondent, while admitting



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the criminal revision case, the Court made the following order:-

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This Criminal Miscellaneous Petition has been filed to suspend the sentence passed by the Judicial Magistrate, Fast Track Court (Magisterial Level), Pattukottai, in S.T.C.No.62 of 2021, dated 20.10.2022, which was confirmed in Criminal Appeal No.70 of 2023, dated 02.11.2023, by the learned Principal Sessions Judge, Thanjavur pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.1166 of 2023.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 20.10.2022 for the offence under Section 138 of Negotiable Instrument Act, and sentenced him to undergo simple imprisonment for a period of three months and to pay a sum of Rs.1,10,000/- (Rupees One Lakh and Ten Thousand only) as compensation to the respondent within a period of two months, in default, to undergo simple imprisonment for a period of 20 days in S.T.C.No.62 of 2021 on the file of the Judicial Magistrate, Fast Track Court (Magisterial Level), Pattukottai.

3. The learned Principal Sessions Judge, Thanjavur confirmed the conviction and sentence, and dismissed the Criminal Appeal No.70 of 2023, dated 02.11.2023. Challenging the same, the present Criminal Revision case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.



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4. It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case. Further, he submitted that the petitioner has already deposited a sum of Rs.22,000/- (Rupees Twenty Two Thousand only) before the trial Court, and has also deposited a sum of Rs.44,000/- (Rupees Forty Four Thousand only) before the trial Court in pursuant to the order of this Court in CrI.M.P.(MD)No.10081 of 2024 dated 08.11.2024.

5. The learned counsel for the respondent has not raised any serious objection to this petition.

6. This Court has carefully considered the submission made by the learned counsel on either side, and has also perused the materials available on record.

7. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case. 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, 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 directions :



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(i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Fast Track Court (Magisterial Level), Pattukottai.

(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/-
19/11/2024

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/11/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN

To

1.The Principal Sessions Judge,
Thanjavur.



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2.The Judicial Magistrate,
Fast Track Court (Magisterial Level),
Pattukkottai.

3.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

Copy to:

The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-14227[I] dated 19/11/2024)

ORDER
IN
CRL MP(MD) No.12339 of 2024
in
CRL RC(MD) No.1166 of 2024
Date :19/11/2024

ED/ VR /SAR- (27/11/2024) 5P / 6C

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