



CRL MP(MD) No.12721 of 2024

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

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

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL MP(MD) No.12721 of 2024

in

CRL RC(MD) No.1224 of 2024

J.HARIVASAGAN

... Petitioner / Revision Petitioner

Vs

N.GANESAN

... 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 the Learned V Addl District Sessions Judge, Madurai in Criminal Appeal No.50/2024 dt.04.10.2024 in STC No.694/2022 on the file of the Judicial Magistrate No.2, (FTC II), Madurai dt.30.01.2024 and enlarge the petitioner on bail pending disposal of the criminal revision.

Prayer in CRL RC(MD). 1224/ 2024 :

To call for the records pertaining to the order of conviction passed by the learned V Addl District Court, Madurai in Crl A No.50/2024 dt.04.10.2024 by confirming the order passed in STC No.694/2022 on the file of Learned Judicial Magistrate No.II (FTC), Madurai dated 30.01.2024 and set aside the same by allowing this 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.T.BALARATHINAKUMAR, Advocate for the petitioner, while admitting 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 imposed on the petitioner by the learned V Additional District and Sessions Judge, Madurai in Criminal Appeal No.50 of 2024, dated 04.10.2024, by confirming the order passed in S.T.C.No.694 of 2022 on the file of the learned Judicial Magistrate No.2, Fast Track Court (Magisterial Level), Madurai, dated 30.01.2024 and enlarge the petitioner on bail 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 30.01.2024 for the 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.8,50,000/- (Rupees Eight Lakhs and Fifty Thousand Only) as compensation to the respondent, in default, to undergo simple imprisonment for a period of 6 months in S.T.C.No.694 of 2022 on the file of the learned Judicial Magistrate No.2, Fast Track Court (Magisterial Level), Madurai.

3. The learned V Additional District and Sessions Judge, Madurai, confirmed the conviction and sentence, and dismissed the Criminal Appeal No.50 of 2024, dated 04.10.2024. 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. The learned counsel for the petitioner 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. He would further submit that the petitioner is ready to deposit 20% of the cheque amount i.e., a sum of Rs.1,60,000/- (Rupees One Lakh and Sixty Thousand only) to show his bonafide.

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

6. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies 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 considering the bonafide expressed by the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. 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 20% of the cheque amount i.e.,

a sum of Rs.1,60,000/- (Rupees One Lakh and Sixty Thousand



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only) to the credit of S.T.C.No.694 of 2022 on the file of the the learned Judicial Magistrate No.2, Fast Track Court (Magisterial Level), Madurai on or before 07.01.2025, 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.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Fast Track Court (Magisterial Level), Madurai;

(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.

(v) On such deposit, the learned Judicial Magistrate No.2, Fast Track Court (Magisterial Level), Madurai shall re-deposit the said



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sum in a Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in CrI.R.C(MD)No.1224 of 2024.

8. List the matter on 08.01.2025 under the caption “for reporting compliance”.

sd/-
26/11/2024

/ TRUE COPY /

/12/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD

To

1.The V Additional District and Sessions Judge,
Madurai.

2.The Judicial Magistrate No.II,
Fast Track Court (Magisterial Level),
Madurai.

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

Copy to:

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



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ORDER

IN

CRL MP(MD) No.12721 of 2024

in

CRL RC(MD) No.1224 of 2024

Date :26/11/2024

ED/ VR /SAR- (05/12/2024) 6P / 5C

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