



CRL MP(MD) No.11725 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 MP(MD) No.11725 of 2024

in

CRL RC(MD) No.1066 of 2024

VINCENT SURESH

... Petitioner / Petitioner

Vs

SESURAJ

... 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 of imprisonment passed by the learned II Additional District and Session Judge, Thanjavur in Crl.A.No.271/2023 dt. 09.09.2024, confirming judgment of the learned Judicial Magistrate Fast Track Court in STC No. 15/2022 dt.31.10.2023 till the disposal of the criminal revision.

Prayer in CRL RC(MD). 1066/ 2024 :

C-45R. To call for records in Crl.A.No. 271/2023 and set aside the judgment and conviction passed by the Learned II Additional District and Sessions Judge, Thanjavur dt. 09.09.2024 confirming the judgment degree made in STC No. 15/2022, dt. 31.10.2023 on the file of Judicial Magistrate, Fast Track Court Thanjavur and to acquit the petitioner/appellant and set him at liberty.

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.S.ARUMUGAM, Advocate for the petitioner, while admitting the criminal revision case, the Court made the following order:-



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This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the learned Judicial Magistrate (Fast Track Court), Thanjavur, in S.T.C.No.15 of 2022, dated 31.10.2023, which was confirmed in Criminal Appeal No.271 of 2023, dated 09.09.2024 by the learned II Additional District & Sessions Judge, Thanjavur, 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 31.10.2023 for the alleged offence under Section 138 of Negotiable Instrument Act, and the trial Court 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 within a period of one month, in default to undergo simple imprisonment for a period of two months in S.T.C.No.15 of 2022 on the file of the learned Judicial Magistrate (Fast Track Court), Thanjavur.

3. The learned II Additional District & Sessions Judge, Thanjavur, confirmed the conviction and sentence, and dismissed the Criminal Appeal No.271 of 2023, dated 09.09.2024. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this miscellaneous petition.

4. It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case, and also there are contradictions in material



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particulars between the evidence of the prosecution witnesses. The petitioner is ready to deposit 50% of the Cheque amount/compensation amount to show his bonafide. Hence, he seeks suspension of sentence.

5. This Court has carefully considered the submission of 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 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, 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 50% of the Cheque amount/compensation amount to the credit of S.T.C.No.15 of 2022 on the file of the learned Judicial Magistrate (Fast Track Court), Thanjavur, within a period of four weeks from the date of receipt of a copy of



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this order, 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 Judicial Magistrate, Special Court for Exclusive Trial of Negotiable Instruments Act, Thanjavur District.

(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 Judicial Magistrate, Special Court for Exclusive Trial of Negotiable Instruments Act, Thanjavur District, shall re-deposit the said sum in a Nationalised Bank, so that, the



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amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in CrI.R.C.(MD)

No.1066 of 2024.

sd/-
04/11/2024

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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 II Additional District and Sessions Judge,
Thanjavur.

2.The Judicial Magistrate,
Special Court for Exclusive Trial of Negotiable Instruments Act,
Thanjavur District.

3.The Judicial Magistrate,
Fast Track Court, Thanjavur.

4.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.



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+1 CC to M/s.S.ARUMUGAM, Advocate (SR-13620[I] dated 05/11/2024)

ORDER
IN
CRL MP(MD) No.11725 of 2024
in
CRL RC(MD) No.1066 of 2024
Date :04/11/2024

ED/ SKN /SAR- (18/11/2024) 6P / 7C

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