



CRL MP(MD) No.12692 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.12692 of 2024

in

CRL RC(MD) No.1217 of 2024

BASKARAN

... PETITIONER/PETITIONER

Vs

A.XAVIER

... RESPONDENT/RESPONDENT

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 and set sentence imposed by the learned Principal District and Sessions Judge, Virudhunagar in Crl.A.No.48 of 2022 by the Judgement dated 03.10.2024 by confirming the conviction and sentence imposed by the learned Judicial Magistrate No.I, Sivakasi in S.T.C.No.357 of 2020 by the Judgment dated 04.04.2022 pending disposal of the Criminal Revision.

Prayer in CRL RC(MD). 1217/ 2024 :

To call for the records of the learned Principal District and Sessions Judge, Virudhunagar at Srivilliputhur in Crl.A.No.48 of 2022 by Judgment dated 03.10.2024, confirming the conviction and sentence of Imprisonment imposed by the learned Judicial Magistrate No.I, Sivakasi in S.T.C.No.357 of 2020 by the Judgment dated 04.04.2022 and set aside the Judgments of the Courts below and acquit the Petitioner.

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.AK.AZAGAR SAMI, Advocate for the petitioner, while admitting the Criminal Revision Case, the court made the following order:-

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



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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate No.I, Sivakasi, in S.T.C.No.357 of 2020, dated 04.04.2022, which was confirmed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Criminal Appeal No.48 of 2022 dated 03.10.2024, pending disposal of the Criminal Revision Case in CrI.R.C.(MD)No.1217 of 2024.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 04.04.2022 for the offence under Section 138 of Negotiable Instruments Act, and the trial Court sentenced him to undergo simple imprisonment for a period of two years and to pay a cheque amount of Rs.21,00,000/- (Rupees Twenty One Lakhs only) as compensation to the respondent within a period of three months, in default, to undergo simple imprisonment for a period of three months in S.T.C.No.357 of 2020 on the file of the learned Judicial Magistrate No.I, Sivakasi.

3. The learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur confirmed the conviction and sentence, and dismissed the Criminal Appeal No.48 of 2022, dated 03.10.2024. 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. 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 particulars between the evidence of the prosecution witnesses. Further, he submitted that the petitioner is ready to deposit 20% of the cheque amount i.e., a sum of Rs.4,20,000/- (Rupees Four Lakhs and Twenty 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 also 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.4,20,000/- (Rupees Four Lakhs and Twenty Thousand only) to the credit of



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S.T.C.No.357 of 2020 on the file of the learned Judicial Magistrate No.I, Sivakasi on or before 07.01.2025, failing which, the sentence suspended shall automatically be 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 Judicial Magistrate No.I, Sivakasi.

(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.I, Sivakasi shall re-deposit the said 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.1217 of 2024.

8. Issue notice to the respondent returnable on 08.01.2025. Private notice is also permitted.



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

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sd/-
26/11/2024

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/12/2024

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

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE JUDICIAL MAGISTRATE NO.I, SIVAKASI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

ORDER
IN

CRL MP(MD) No.12692 of 2024
in

CRL RC(MD) No.1217 of 2024

Date :26/11/2024

RS/VR/SAR-(03.12.2024) 5P 4C

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