



CRL MP(MD) No.14699 of 2023

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

Tuesday, the Seventeenth day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL MP(MD) No.14699 of 2023

IN

CRL RC(MD) No.1154 of 2023

V.SHANMUGANATHAN

... PETITIONER/ACCUSED

Vs

V.SHANMUGA SUNDARAM

... 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 of Imprisonment imposed in CA.No.20/2022 dt.28/6/2023 on the file of the learned IV Additional District Judge which confirmed the judgement of conviction and sentence rendered by the learned Special Court for Exclusive trial of Negotiable Instrument Act, Tirunelveli dated 30.03.2022 in S.T.C.No.68/2019 and pending disposal of the above said Criminal Revision Petition.

Prayer in CRL RC(MD). 1154/ 2023 :

To call for the records in C.A.No.20/2022 dt.28/6/2023 on the file of the learned IV Additional District Judge which confirmed the judgement of conviction and sentence rendered by the Learned Special Court for Exclusive trial of Negotiable Instrument Act, Tirunelveli dated 30.03.2022 in S.T.C.No.68/2019 and set aside the same by allowing the 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.AAYIRAM K SELVAKUMAR, Advocate for the petitioner, While admitting the

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



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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 Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli, in S.T.C.No.68 of 2019, dated 30.03.2022, which was confirmed in Criminal Appeal No.20 of 2022, dated 28.06.2023 by the learned IV Additional District Judge, Tirunelveli, 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 for the alleged offence under Section 138 of Negotiable Instrument Act and sentenced him to undergo simple imprisonment for a period of 6 months and to pay a sum of Rs.2,65,000/- (Rupees Two Lakhs Sixty Five Thousand) as compensation to the respondent, in default to undergo simple imprisonment for a period of two months in S.T.C.No.68 of 2019, on the file of the learned Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli.

3. The learned IV Additional District Judge, Tirunelveli, confirmed the conviction and sentence and dismissed the Criminal Appeal No.20 of 2022, dated 28.06.2023. Challenging the same, the 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 further there are contradictions in material



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particulars between the evidence of the prosecution witnesses.

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

6. The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also 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 20% of the Cheque amount to the credit of S.T.C.No.68 of 2019 on the file of the Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli, within a period of four weeks from the date of receipt of a copy of 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;



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(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 Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli.

(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;

(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 Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli, 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.No.1154 of 2023.

sd/-
17/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE IV ADDITIONAL DISTRICT JUDGE, TIRUNELVELI DISTRICT.

2 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF NEGOTIABLE INSTRUMENT ACT,
TIRUNELVELI.

COPY TO:

1 THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

2 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.(CALL FOR RECORDS)

ORDER

IN

CRL MP(MD) No.14699 of 2023

Date :17/10/2023

SA/VRS/SAR. /26.10.2023/5P/5C

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