



Crl.M.P.Nos.3315 and 3317 of 2024  
in  
Crl.R.C.No.366 of 2024

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 19.07.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**Crl.M.P.Nos.3315 and 3317 of 2024**  
**in**  
**Crl.R.C.No.366 of 2024**

S.Arumugam  
S/o.R.Soundararajan

... Petitioner in both petitions

Vs.

M.Thangamani  
W/o.E.Mahendran

... Respondent in both petitions

**PRAYER in Crl.M.P.No.3315 of 2024 :** Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code, to suspend the sentence imposed on the petitioner in C.A.No.65 of 2021 on the file of the learned II Additional District and Sessions Judge, Tiruppur dated 19.01.2024, confirming the conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court, Tiruppur in C.C.No.10 of 2017 dated 25.08.2021 and enlarge the petitioner on bail, pending disposal of the above criminal revision.

**PRAYER in Crl.M.P.No.3317 of 2024 :** Criminal Miscellaneous Petition filed under Section 482 of Criminal Procedure Code, to grant exemption from surrendering of the petitioner before the learned II Additional District and Sessions Judge, Tiruppur in C.A.No.65 of 2021, vide judgment dated 19.01.2024, confirming the conviction and sentence passed by the learned



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Judicial Magistrate, Fast Track Court, Tiruppur in C.C.No.10 of 2017 dated 25.08.2021, pending disposal of the above criminal revision.

For Petitioner  
in both petitions : Mr.J.Franklin

For Respondent  
in both petitions : Mr.S.Arjun

### **COMMON ORDER**

Crl.M.P.No.3315 of 2024 has been filed to suspend the conviction and sentence imposed on the petitioner vide judgment dated 19.01.2024 passed in C.A.No.65 of 2021 by the learned II Additional District and Sessions Judge, Tiruppur, confirming the judgment dated 25.08.2021 passed in C.C.No.10 of 2017 by the learned Judicial Magistrate, Fast Track Court, Tiruppur, pending disposal of the criminal revision case and enlarge the petitioner on bail.

2. Crl.M.P.No.3317 of 2024 has been filed seeking to exempt the petitioner from surrendering before the learned II Additional District and Sessions Judge, Tiruppur, in connection with conviction made in



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C.A.No.65 of 2021 vide judgment dated 19.01.2024, confirming the conviction and sentence made in C.C.No.10 of 2017 vide judgment dated 25.08.2021 by the learned Judicial Magistrate, Fast Track Court, Tiruppur.

3. The petitioner was convicted for the offence under Section 138 of the Negotiable Instrument Act and sentenced to undergo simple imprisonment for a period of six months and to pay a sum of Rs.5,60,000/- towards compensation to the complainant vide judgment dated 25.08.2021 passed in C.C.No.10 of 2017, against which, appeal was filed in C.A.No.65 of 2021 before the learned II Additional District and Sessions Judge, Tiruppur, and the same was dismissed. Aggrieved by the same, the revision petition has been filed along with the present petition to suspend the sentence.

4. The learned counsel for the revision petitioner would submit that the petitioner has already deposited 20% of the cheque amount and



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there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. It is further submitted that apprehending arrest, the present petition for suspension of sentence is filed and the petitioner is not in jail.

5. Having regard to the fact that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone as against the petitioner is hereby suspended on the following conditions:

*(a) the petitioner shall deposit 30% of the cheque amount to the credit of C.C.No.10 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court, Tiruppur within a period of two weeks from the date of*



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*receipt of a copy of this order.*

*(b) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Fast Track Court, Tiruppur, along with two sureties for a like sum;*

*(c) the petitioner shall report before the Court below on the first working day of every month at 10.30 a.m., until further orders.*

7. Crl.M.P.No.3315 of 2024 is ordered accordingly. However, this Court is not inclined to exempt the petitioner from surrendering before the Court below. Hence, Crl.M.P.No.3317 of 2024 is dismissed.

**19.07.2024  
(2/2)**

NCC : Yes / No  
Index : Yes / No  
Speaking Order : Yes / No  
ssb



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**Note: Issue order copy by 19.07.2024**

To

1. The learned Judicial Magistrate,  
Fast Track Court,  
Tiruppur.
2. The learned II Additional District and Sessions Judge,  
Tiruppur.



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**M.DHANDAPANI, J.**

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