



CRL MP(MD) No.2857 of 2024

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

Wednesday, the Twentieth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.2857 of 2024

in

CRL RC(MD)No. 209 of 2024

AZHAGIRI @ A.PARAMANANTHAZHAGAN,

... PETITIONER/ APPELLANT/ ACCUSED

Vs

V.SIVAGNANAM

....RESPONDENT/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 made in STC No.222/2018 dt.25.07.2022, made in on the file of the Judicial Magistrate (Fast Track), Thanjavur District, as confirmed by the judgment dt.08.08.2023, made in Crl A No.42/2023 on the file of the Learned Principal Sessions Judge, Thanjavur District, pending disposal of the above Criminal Revision Case.

PRAYER CRL RC(MD)No.209 of 2024:

To call for the records to allow the revision petition and set aside the conviction and sentence dated 25.07.2022 made in STC No.222/2018 on the file of the Judicial Magistrate (Fast Track) Thanjavur District as confirmed by the judgment dt 8.8.2023 made in Crl A No.42/2023 on the file of the Learned Principal Sessions Judge, Thanjavur.

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

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**CRL MP(MD) No.2857 of 2024**

of MR.G.ANTO PRINCE, Advocate for the petitioner and of MR.S.VENKATESAN, Advocate on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in Crl.A.No.42 of 2023, dated 08.08.2023, on the file of the learned Principal Sessions Judge, Thanjavur District, pending Criminal Revision.

2.The case of the complainant is that the petitioner/accused is well known person to him and that the petitioner borrowed a loan amount of Rs.15,00,000/- on interest from him by way of getting Rs.5,00,000/- in cash, Rs.6,00,000/- through IDBI cheque and Rs.4,00,000/- through Axis Bank cheque. As a collateral security for the said loan, the petitioner has given his original property document and agreed to settle the loan in full within a period of one year. Thereafter, the petitioner has handed over the cheque for a sum of Rs.5,00,000/- on 13.03.2018, as a part-payment of the loan. However, the cheque was returned on 23.03.2018 with the endorsement "Funds Insufficient". Added to this, series of cheques issued by the petitioner were returned with the endorsement "Funds Insufficient" on 24.04.2018, 29.05.2018, 22.10.2018 and 24.10.2018 respectively. Therefore, the complainant filed a complaint under Section 138 of the Negotiable Instrument Act, 1881 and under Section 200 of Cr.P.C before the Judicial Magistrate Court, FTC, Thanjavur and the same was taken on file in S.T.C.No.222 of 2018. The petitioner was convicted and sentenced for the offence



**CRL MP(MD) No.2857 of 2024**

under Section 138 of the Negotiable Instrument Act 1881, to undergo one year Simple Imprisonment and to pay a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) as compensation to the complainant within two months, in default to undergo one month of Simple Imprisonment. The petitioner has preferred an appeal in Crl.A.No.42 of 2023 before the learned Principal Sessions Judge, Thanjavur and the appellate Court has also confirmed the conviction and sentence imposed by the trial Court. Aggrieved by the same, the petitioner has filed the present Revision along with the suspension of sentence petition.

3. The learned counsel for the petitioner submitted that as on date only Rs.2,50,000/- is yet to be paid by him to the respondent and he is ready to repay the same. He further submitted that whenever the petitioner requested the respondent to return his original property document, the respondent intentionally protract and evade his request and when the petitioner warned the respondent, he has been falsely implicated him by using the signed blank cheques of the petitioner and hence, the learned counsel prays for grant of suspension of sentence to the petitioner.

4. Per contra, learned counsel for the respondent would submit that there are enough materials available on record against the petitioner and hence, opposed for

allowing the petition.

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**CRL MP(MD) No.2857 of 2024**

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case, this Court is of the prima facie view that the sentence is to be suspended pending this Revision.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Principal Sessions Judge, Thanjavur, in CrI.A.No.42 of 2023 dated 08.08.2023 alone is suspended, subject to the following conditions:-

(i) 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 Principal Sessions Judge, Thanjavur;

(ii) 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

(iii) The petitioner shall appear before the appellate 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.



**CRL MP(MD) No.2857 of 2024**

8. Subject to the above conditions, this Criminal Miscellaneous Petition is allowed.

sd/-  
20/03/2024

/ TRUE COPY /

/03/2024  
Sub-Assistant Registrar  
(C.S.I /II /III /IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

PKN  
TO

- 1 THE PRINCIPAL SESSIONS JUDGE  
THANJAVUR.
- 2 THE JUDICIAL MAGISTRATE,  
(FAST TRACK) THANJAVUR DISTRICT.
- 3 DO THROUGH:  
THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT @ KUMBAKONAM.

+1 CC to M/s.G.ANTO PRINCE, Advocate ( SR-3455[I] dated 20/03/2024 )

ORDER  
IN  
CRL MP(MD) No.2857 of 2024  
in  
CRL RC(MD)No. 209 of 2024  
Date :20/03/2024

PKP/GS/SAR /26.03.2024/ 5P/ 5C  
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