



CRL MP(MD) No.12132 of 2024

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

Thursday, the Fourteenth day of November Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.12132 of 2024

in

CRL RC(MD) No.1137 of 2024

SARAVANANPAVAN

... PETITIONER/PETITIONER

Vs

SARAVANAKUMAR

... 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 passed in Judgment of conviction and sentence dated 24.01.2024 in Criminal appeal No. 61/2023 on the file learned Principal and Sessions Judge, Virudhunagar district at Srivilliputtur confirming the judgment of conviction and sentence dated 18.04.2023 in C.C.No.84 of 2016, before the learned Judicial Magistrate No.I, Virudhunagar convicting the Petitioner/Appellant for offences under section 138 of Negotiable Instrument and sentencing the petitioner to undergo 1 Year Simple Imprisonment and also to pay the cheque amount of Rs.10,00,000/- and in default of payment of which to undergo a simple imprisonment for another 6 months pending disposal of the above criminal revision petition.

Prayer in CRL RC(MD). 1137/ 2024 :

To call for the records relating to the judgment of conviction and sentence dated 24.01.2024 in Crl A No. 61/2023 on the file of the learned Additional and Sessions District Judge, Virudhunagar confirming the judgment of conviction and sentence dated 18.04.2023, on the file of the learned Judicial Magistrate No.I, Virudhunagar, in CC.No.84 of 2016 and set aside the same.



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Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.SHANMUGANATHAN.VR., Advocate for the petitioner, while admitting the Criminal Revision Case, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed by the Judicial Magistrate No.I, Virudhunagar, in C.C.No.84 of 2016, dated 18.04.2023, which was confirmed in Criminal Appeal No.61 of 2023, dated 24.01.2024, by the learned Additional District and Sessions Judge, Virudhunagar pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.1137 of 2024.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 18.04.2023 for the alleged offence under Section 138 of Negotiable Instrument Act, and sentenced him to undergo simple imprisonment for a period of one year and to pay a cheque amount of Rs.10,00,000/- (Rupees Ten Lakhs only) as compensation to the respondent, in default, to undergo simple imprisonment for a period of six months in C.C.No.84 of 2016 on the file of the Judicial Magistrate No.I, Virudhunagar.

3.The learned Additional District and Sessions Judge, Virudhunagar confirmed the conviction and sentence, and dismissed the Criminal Appeal No.61 of 2023, dated 24.01.2024. 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 30 % of the cheque amount to show his bonafide.

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 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 :



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(i) The petitioner shall deposit 30% of the cheque amount i.e., a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of C.C.No.84 of 2016 on the file of the Judicial Magistrate No.I, Virudhunagar on or before 19.12.2024, 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 No.I, Virudhunagar.**

(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.



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8. List the matter on 20.12.2024 under the caption “for reporting compliance”.

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sd/-
14/11/2024

(*) Corrected as per order of this Court
dated 20.12.2024 in CRL MP(MD)
No.12132 of 2024 in CRL RC(MD)
No.1137 of 2024

/ TRUE COPY /

/12/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 12/06/2023 ALREADY
DESPATCHED

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR.

2 THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR.

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

COPY TO

1 THE JUDICIAL MAGISTRATE / FAST TRACK COURT,
KOVILPATTI.



CRL MP(MD) No.12132 of 2024

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

ORDER IN
CRL MP(MD) No.12132 of 2024
in
CRL RC(MD) No.1137 of 2024
Date :14/11/2024

RS/VR/SAR-(21.11.2024) 6P 6C
ED/ /SAR- (26/12/2024) 6P / 6C

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