



CRL MP(MD) No.11248 of 2024

WEB COPY

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

Tuesday, the Twenty Second day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.11248 of 2024

in

CRL RC(MD) No.1011 of 2024

M.RAVICHANDRAN

... Petitioner / Revision Petitioner /
Appellant / Accused

Vs

VELUSAMY

... Respondent / 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 imposed on the petitioner vide judgment dt. 12.08.2022 passed in Criminal appeal no. 33 of 2021 on the file of the I Addl District and Sessions court, Tirunelveli confirmed the judgment dt. 20.11.2019 passed in STC No. 472 of 2007 on the file of the learned Judicial Magistrate No.1, Tirunelveli.

Prayer in CRL RC(MD). 1011/ 2024 :

To call for the records pertaining to the judgment dt 12.08.2022 passed in Crl Appeal no. 33 of 2021 on the file of the I Addl District and Sessions court, Tirunelveli confirmed the judgment dt. 20.11.2019 passed in STC No. 472 of 2007 on the file of the learned Judicial Magistrate No.I, Tirunelveli and set aside the same and allow this criminal revision.



CRL MP(MD) No.11248 of 2024

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.BENAZIR BEGUM.M, Advocate for the petitioner and of M/s.S.MP.AMALAN, Advocate on behalf of the Respondent, while admitting the criminal revision case, the Court made the following order:-

The above petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate No.1, Tirunelveli, in S.T.C.No.472 of 2007, dated 20.11.2019, which was confirmed by the learned I Additional District and Sessions Judge, Tirunelveli, in Crl.A.No.33 of 2021, dated 12.08.2022.

2. The case of the respondent/complainant is that the petitioner/ accused has received Rs.10,00,000/- from the respondent to meet out his family expenses and agreed to repay the said amount within six months, that when the respondent after six months demanded the petitioner to repay the amount, the petitioner has issued a cheque for Rs.10,00,000/-, that when the respondent has presented the cheque for collection on 04.01.2007, the same was dishonored with reason "account closed", that the respondent has then sent a legal notice dated 20.01.2007 to the petitioner demanding repayment of the amount covered by the cheque, that the petitioner, after receiving the notice on 22.01.2007, neither paid the cheque amount nor replied to the legal notice and that thereafter the respondent has filed a private complaint for the offence under Section 138 of Negotiable Instruments Act.

3. The learned counsel appearing for the petitioner would submit that the



CRL MP(MD) No.11248 of 2024

petitioner has been convicted by the trial Court for the alleged offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and to pay a compensation of Rs.2,00,000/-, in default, to undergo three months simple imprisonment.

4. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.33 of 2021 on the file of the learned I Additional District and Sessions Judge, Tirunelveli. The learned Sessions Judge confirmed the conviction and sentence and dismissed the appeal. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Revision along with the instant miscellaneous petition seeking suspension of sentence.

5. It is not in dispute that the petitioner has filed the revision along with the delay condonation petition and while allowing the delay condonation petition, this Court directed the petitioner to deposit Rs.2,00,000/- before the trial Court and in pursuance of the same, the petitioner has deposited the said amount.

6. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

7. Heard the learned counsel appearing for the petitioner as well as the respondent and also perused the materials available on record.



CRL MP(MD) No.11248 of 2024

8. The learned counsel appearing 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.

9. Accordingly, the relief of suspension of sentence is granted to the petitioner on 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 Judicial Magistrate No.1, Tirunelveli;

(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 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 and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C and shall appear before the trial Court on



CRL MP(MD) No.11248 of 2024

WEB COPY

any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-
22/10/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

To

1.The I Additional District and Sessions Judge,
Tirunelveli.

2.The Judicial Magistrate No.I,
Tirunelveli.

3.Do through the Chief Judicial Magistrate,
Tirunelveli District.

ORDER
IN
CRL MP(MD) No.11248 of 2024
Date :22/10/2024

ED/ SSN /SAR- (11/11/2024) 5P / 4C

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