



CRL.M.P.(MD)No.9906 of 2024

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

Thursday, the Nineteenth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL.M.P.(MD)No.9906 of 2024

in

CRL.R.C.(MD)No.896 of 2024

T.MAHESH

... REVISION PETITIONER/ APPELLANT/
ACCUSED

Vs

THIRUMALAISAMY ILANGO

... 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 by the learned Judicial Magistrate No. 1 Tiruchirappalli in C.C.No. 383/2019 dt 20.01.2023 which was confirmed by the learned 1st Additional District and Sessions Judge (PCR) Tiruchirappalli in C.A.No.20/2023 dated 07.05.2024 and enlarge the petitioner on bail pending disposal of the above said Criminal Revision Petition in the interest of justice.

Prayer in CRL.R.C.(MD)No.896 of 2024:

Pleased to call for the records relating to the judgment passed by the learned Judicial Magistrate No.I, Tiruchirappalli conforming the judgement in C.C.No.383/2019 dated 20.01.2023 which was confirmed by the learned 1st Additional District and Sessions Judge (PCR), Tiruchirappalli in C.A.No.20/2023 dated 07.05.2024 and set aside the same.



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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.PRABHAKAR.K, Advocate for the petitioner, 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.I, Tiruchirappalli in C.C.No.383 of 2019, dated 20.01.2023, which was confirmed by the learned I Additional District and Sessions Judge (PCR) , Tiruchirappalli, in C.A.No.20 of 2023, dated 07.05.2024.

2.The case of the respondent/complainant is that on 15.07.2016, the petitioner/accused borrowed a loan of Rs.10,00,000/- from the respondent with interest at 18% per annum and agreed to repay the said amount and had executed the promissory note in favour of the complainant and gave a post dated cheque, that when the respondent has presented the cheque for collection on 23.11.2018, the same was returned as "funds insufficient", that the respondent has then sent a legal notice dated 24.12.2018 and that the petitioner after receiving the notice, has sent reply notice on 30.12.2018 with false averments and that therefore, the complainant has filed a complaint for the offence under Section 138 of Negotiable Instruments Act.

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



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imprisonment and to pay a compensation of Rs.10,50,000/-, in default, to undergo one month simple imprisonment.

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4. Challenging the above said conviction and sentence, the petitioner has filed an appeal in C.A.No.20 of 2023 on the file of the learned I Additional District and Sessions Judge (PCR), Tiruchirappalli. The learned I Additional District and Sessions Judge confirming the conviction and sentence, dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision along with the instant miscellaneous petition seeking suspension of sentence.

5. This Court has carefully considered the contentions put forward by the learned counsel appearing for the petitioner and also perused the materials available on record.

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. 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.



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7. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall deposit a sum of Rs.3,50,000/- (Rupees Three Lakhs Fifty Thousand Only) on or before 17.10.2024, to the credit in C.C.No.383 of 2019 on the file of the Judicial Magistrate No.I, Tiruchirappalli, failing which the sentence suspended shall automatically dismissed and the concerned jurisdictional police 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, Tiruchirappalli;

(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



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trial Court on any day, she shall make arrangements to file an application under Section 317 of Cr.P.C and shall appear before the trial Court on any other day in lieu of the date of her absence, as directed by the trial Court.

8. Post the matter on 18.10.2024, 'for reporting compliance'.

sd/-
19/09/2024

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/09/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS
TO

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR),
TIRUCHIRAPPALLI.

2 THE JUDICIAL MAGISTRATE NO.I,
TIRUCHIRAPPALLI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.

+1. C.C. to M/S.PRABHAKAR.K Advocate SR.No.11499 (I) DT.20/09/2024



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ORDER
IN
CRL.M.P.(MD)No.9906 of 2024
in
CRL.R.C.(MD)No.896 of 2024
Date :19/09/2024

SA/JGB/SAR. /27.09.2024/6P/5C

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