



CRL MP(MD) No.9793 of 2024

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

Wednesday, the Eighteenth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL.M.P.(MD)No.9793 of 2024

in

CRL.R.C.(MD)No.885 of 2024

ARUNAGIRI

... PETITIONER/PETITIONER

Vs

R.PANEERSELVAM

... 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 imposed by the learned 3rd Additional District and Sessions Judge, Thanjavur dt. 14.06.2024 made in C.A No. 158/2023 confirming the judgment passed by the learned Judicial Magistrate, Fast track court, Pattukottai dt. 29.05.2023 made in STC.No.102/2021 and pending disposal of the above criminal revision petition.

Prayer in Crl.RC(MD).885/2024:

Pleased to call for the records and set aside judgment of conviction passed by the learned 3rd Additional District and Sessions Judge Thanjavur in Crl.A.No.158 of 2023 dated 14.06.2024 whereby confirmed the judgment of conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court, Pattukottai, Thanjavur District in STC.No.102/2021 dated 29.05.2023 and allow the above Criminal Revision Petition.

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. JAMEEL ARASU.B,

<https://www.mhc.tn.gov.in/judis>



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Advocate for the petitioner, the court made the following order:-

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The above petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate, Fast Track Court, Pattukottai, in S.T.C.No.102 of 2021, dated 29.05.2023, which was confirmed by the learned III Additional District and Sessions Judge, Thanjavur, in Crl.A.No.158 of 2023, dated 14.06.2024.

2. The case of the respondent/complainant is that on 23.03.2019, the petitioner/accused has borrowed a loan of Rs.4,00,000/- from the respondent and on that day itself, the petitioner has issued a cheque dated 25.03.2021 for Rs.4,00,000/-, that when the respondent has presented the cheque for collection on 25.03.2021, the same was dishonored with reason "Funds Insufficient", that the respondent has then sent a statutory notice dated 30.03.2021 to the petitioner demanding repayment of the amount covered by the cheque, that the petitioner, after receiving the notice, neither paid the cheque amount nor replied to the statutory 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 petitioner has been convicted by the trial Court for the alleged offence under Section



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138 of Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and to pay a compensation of Rs.4,10,000/-, in default, to undergo one month simple imprisonment.

4. Challenging the above said conviction and sentence, the petitioner has filed an appeal in CrI.A.No.158 of 2023 on the file of the learned III Additional District and Sessions Judge, Thanjavur @ Pattukkottai. 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. 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. He would further submit that the petitioner has already deposited Rs.82,000/-.

6. This Court has carefully considered the contention made by the learned counsel appearing for the petitioner and also perused the materials available on record.

7. 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



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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.

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

(i) The petitioner shall deposit the 50% of the remaining compensation amount on or before 17.10.2024 to the credit of S.T.C.No.102 of 2021 on the file of the learned Judicial Magistrate, Fast Track Court, Pattukottai, failing which the sentence suspended shall automatically dismissed and the 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, Fast Track Court, Pattukottai;

(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



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

9. Post the matter on 18.10.2024 ' for reporting compliance'.

sd/-
18/09/2024

/ TRUE COPY /

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

CSM
TO
1 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, THANJAVUR.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, PATTUKOTTAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



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+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-11414[I] dated 19/09/2024)

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ORDER
IN
CRL.M.P.(MD)No.9793 of 2024
in
CRL.R.C.(MD)No.885 of 2024
Date :18/09/2024

SA/SG/SAR. /23.09.2024/6P/5C

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