



CRL MP(MD) No.9393 of 2024

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

Friday, the Sixth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL.M.P.(MD)No.9393 of 2024

in

CRL.R.C.(MD)No.852 of 2024

T.NAGASUBRAMANIYAM

... PETITIONER/PETITIONER

Vs

M.RAMAMOORTHY

... RESPONDENT/RESPONDENT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by suspend the sentence in Crl.A.53/2022 on the file of Addiitonal District and Sessions Court, Pudukottai, dt12.06.2024 confirming the conviction in STC No.964/2012 dt 19.10.2022 on the file of the Learned Judicial Magistrate No.1, Pudukottai.

Prayer in Crl.RC(MD).852/2024:

To call for the records and set aside the Judgment dated 12.06.2024 passed in Crl.A.No.53/2022 on the file of the Hon'ble Additional District and Sessions Judge, Pudukkottai confirming the judgment passed in STC.No.964/2012 on the file of the Learned Judicial Magistrate No.I, Pudukkottai and allow this Criminal Revision Petition.

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

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



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M/S. BALAJI.A, Advocate for the petitioner, 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 petitioners by the learned Judicial Magistrate No.I, Pudukkottai, in STC.No.964 of 2012, dated 19.10.2022, which was confirmed by the Additional District and Sessions Court, Pudukkottai in Crl.A.No.53 of 2022, dated 12.06.2024.

2.The case of the respondent/complainant is that the petitioner and his wife borrowed a sum of Rs.12,00,000/- and issued a cheque dated 07.08.2012, that the cheque was presented for collection and the same was returned for the reason "Account Closed" and hence, the respondent issued a legal notice dated 08.08.2012 and the petitioner has not sent reply for the same and thereafter, the respondent lodged the present complaint.

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 six months simple imprisonment and to pay a compensation of Rs.10,00,000/-, in default, to undergo one month simple imprisonment.

4.Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.53 of 2022 on the file of the Additional District and Sessions Court, Pudukkottai. The learned Sessions Judge confirming the conviction and



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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.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.

6.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.

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 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 petitioners 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 a sum of Rs.3,00,000/- (Rupees

Three Lakhs only) on or before 03.10.2024 to the credit of STC.No.964 of



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2012 on the file of the learned Judicial Magistrate No.I, Pudukkottai, 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 petitioners 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, Pudukkottai;

(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 petitioners 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.



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9.Post the matter on 04.10.2024 'for reporting compliance'.

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sd/-
06/09/2024

/ TRUE COPY /

/10/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PUDUKKOTTAI.

2 THE JUDICIAL MAGISTRATE NO.I,
PUDUKKOTTAI.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, PUDUKKOTTAI DISTRICT.

ORDER
IN
CRL.M.P.(MD)No.9393 of 2024
in
CRL.R.C.(MD)No.852 of 2024
Date :06/09/2024

SA/JGB/SAR. /01.10.2024/5P/4C

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