



CRL.M.P.(MD)No.10107 of 2024

WEB COPY

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

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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL.M.P.(MD)No.10107 of 2024

in

CRL.R.C.(MD)No.914 of 2024

P.MALAIYARASU

... PETITIONER/PETITIONER

Vs

V.RAVIKUMAR

... 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 suspend the sentence passed in the judgment dt. 13.08.2024 in Criminal appeal no. 76 of 2024 by the Hon'ble Additional District Judge (Fast track court) Theni by confirming the judgment dt. 29.04.2024 in STC No. 4/2024 passed by the learned Judicial Magistrate (Fast Track Court), Uthamapalayam, pending disposal of this Criminal Revision Petition.

Prayer in CRL RC(MD). 914/ 2024 :

To call for the records pertaining to the impugned judgment dt. 13.08.2024 in Criminal appeal no. 76 of 2024 passed by the Honble Additional District Judge (Fast Track Court) Theni by confirming the judgment dt. 29.04.2024 in STC No. 4/2024 passed by the Learned Judicial Magistrate (Fast Track Court), Uthamapalayam and set aside the same.



CRL.M.P.(MD)No.10107 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 Mr.G.VISHNURAM, 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, Fast Track Court, Uthamapalayam, in S.T.C.No.4 of 2024, dated 29.04.2024, which was confirmed by the learned First Additional District Judge (Fast Track Court), Theni, in Crl.A.No.76 of 2024, dated 13.08.2024.

2. The case of the respondent/complainant is that on 06.11.2022, the petitioner/accused borrowed a sum of Rs.20,00,000/- from the respondent with interest at Rs.1/- (per Rs.100/-) and agreed to repay the said amount within six months; that after demand, the petitioner has issued a cheque, that when the respondent has presented the cheque for collection on 08.11.2023, the same was returned with reason "Drawers Signature in complete/Illegible/Differs" on 08.11.2023, that the respondent has then sent a legal notice dated 18.11.2023 to the petitioner demanding repayment of the amount covered by the cheque, that the petitioner after receiving the notice on 22.11.2023, has sent reply notice on 13.12.2023 with false averments. Hence, the complainant has filed a private complaint for the offence under Section 138 of Negotiable Instruments Act.



CRL.M.P.(MD)No.10107 of 2024

WEB COPY

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.20,00,000/-.

4. Challenging the above said conviction and sentence, the petitioner has filed an appeal in CrI.A.No.76 of 2024 on the file of the learned First Additional District Judge (Fast Track Court), Theni. The learned 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. 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



CRL.M.P.(MD)No.10107 of 2024

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 a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) on or before 22.10.2024 to the credit of S.T.C.No.4 of 2024 on the file of the learned Judicial Magistrate, Fast Track Court, Uthamapalayam, 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 learned Judicial Magistrate, Fast Track Court, Uthamapalayam ;

(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



CRL.M.P.(MD)No.10107 of 2024

WEB COPY

(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 23.10.2024 'for reporting compliance'.

sd/-
25/09/2024

/ TRUE COPY /

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

DAS
TO

1 THE ADDITIONAL DISTRICT JUDGE,
(FAST TRACK COURT), THENI.

2 THE JUDICIAL MAGISTRATE
(FAST TRACK COURT), UTHAMAPALAYAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

+1 CC to M/s.M.DINESH HARI SUDARSAN, Advocate (SR-11725[I] dated
25/09/2024)

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



WEB COPY



CRL.M.P.(MD)No.10107 of 2024

ORDER
IN
CRL.M.P.(MD)No.10107 of 2024
in
CRL.R.C.(MD)No.914 of 2024
Date :25/09/2024

SA/VR/SAR. /01.10.2024/6P/5C

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