



CRL MP(MD) NO. 14118 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20-12-2024

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 14118 of 2024

IN

CRL RC(MD) NO. 1393 OF 2024

A.M.Palanisamy
S/o. Marappa Goundar,
No. 40/10, Gandhipuram West,
Opp to Global Overseas, Sengunthapuram Post,
Karur Town and District.

...Petitioner

Vs

K. Palanisamy
S/o. Kandasamy,
Door No. 3/183, Thalapatti,
Karur Taluk and District.

...Respondent

For Petitioner:

Mr.S.Muniyandi, Advocate

For Respondent:

Mr.V.Nagarajan, Advocate

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate (FTC), Karur, in C.C.No.737 of 2012, dated 06.02.2015, which was modified by the Mahalir Fast Track Court, Karur in Criminal Appeal No.21 of 2015 dated 17.02.2016, pending disposal of



CRL MP(MD) NO. 14118 of 2024

the Criminal Revision Case in CrI.R.C.(MD)No.1393 of 2024.

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2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 06.02.2015 for the offence under Section 138 of Negotiable Instruments Act, and the trial Court sentenced him to undergo simple imprisonment for a period of four months in C.C.No.737 of 2012 on the file of the learned Judicial Magistrate (FTC), Karur.

3. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.21 of 2015 on the file of the Mahizha Fast Track Court, Karur. By a judgment, dated 17.02.2016, the Mahizha Fast Track Court, Karur partly allowed the appeal by modifying the sentence imposed by the learned Judicial Magistrate (FTC), Karur, in C.C.No.737 of 2012, dated 06.02.2015. Accordingly, the sentence was reduced from 4 months of simple imprisonment to 1 month of simple imprisonment. Being dissatisfied with the said conviction and sentence, the present Criminal Revision case, along with this Criminal Miscellaneous Petition seeking suspension of sentence, has been filed before this Court.

4. It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case, and also there are contradictions in material



CRL MP(MD) NO. 14118 of 2024

particulars between the evidence of the prosecution witnesses. Further, he submitted that the total cheque amount is Rs.2,00,000/- (Rupees Two Lakhs only), and the petitioner has already deposited a sum of Rs.1,00,000/- (Rupees One Lakh only) before the trial Court, and is now ready to deposit the remaining amount of Rs.1,00,000/- (Rupees One Lakh only) to show his bonafide.

5. The learned counsel appearing for the respondent has not raised any objection to the submission made by the learned counsel for the petitioner.

6. This Court has carefully considered the submission made by the learned counsel on either side, and has also perused the materials available on record.

7. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case, and also there are 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, and also considering the bonafide expressed by the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.



CRL MP(MD) NO. 14118 of 2024

8. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

(i) The petitioner shall deposit the remaining sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of C.C.No.737 of 2012 on the file of the learned Judicial Magistrate (FTC), Karur on or before 22.01.2025, failing which, the sentence suspended shall automatically dismissed, and the respondent 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.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate/Fast Track Court, Karur.

(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;

(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



CRL MP(MD) NO. 14118 of 2024

WEB COPY

(v) On such deposit, the learned Judicial Magistrate (FTC), Karur shall re-deposit the said sum in a Nationalized Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in Crl.R.C.(MD)No.1393 of 2024.

9. List the matter on 23.01.2025 under the caption “for reporting compliance”.

sd/-
20/12/2024

/ TRUE COPY /

/01/2025
Sub-Assistant Registrar (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.THE JUDGE, MAHALIR FAST TRACK COURT, KARUR.

2.THE JUDICIAL MAGISTRATE (FTC), KARUR

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.

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MADURAI. (CALL FOR RECORDS)

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CRL MP(MD) NO. 14118 of 2024

ORDER

IN

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IN

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Date :20/12/2024

RK/VR (08/01/2025) 6P / 5C

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