



CRL MP(MD) No.10753 of 2024

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

Saturday, the Nineteenth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.10753 of 2024

IN

CRL RC(MD) No.787 of 2021

NAGARAJAN

**... Petitioner / Revision Petitioner /
Appellant / Accused**

Vs

A.R NATARAJAN

**... Respondent / 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 against the petitioner in Criminal appeal No. 22 of 2019 dt. 31.08.2021 on the file of the honble III Addl District court, Thanjavur district at Pattukottai and release the petitioner on bail till the disposal of the main Criminal Revision Petition Crl.R.C.(MD) No.787 of 2021 on the file of this Hon'ble Court.

Prayer in CRL RC(MD). 787/ 2021 :

To call for entire records connected with the order passed in Crl A No.22/2019 dt.31.08.2021 on the file of the Honble III Addl District Court, Thanjavur at Pattukottai in STC No.8/2018 on the file of the Learned FTC(Magistrate Level), Pattukottai

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.ABDUL RAHUMAN.S, Advocate for the petitioner and of M/s.C.BHARATHI, Advocate on behalf of the Respondent the Court made the following order:-

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The above petition has been filed to suspend the sentence imposed on the petitioners by the Fast Track Court(Magistrate Level), Pattukottai, in STC.No.08 of 2018, dated 10.01.2019, which was confirmed by the III Additional District Court, Thanjavur at Pattukottai in C.A.No.22 of 2019, dated 31.08.2021.

2.The case of the respondent/complainant is that the petitioner approached the respondent and asked him to purchase the land situated at Peravurani Town, that the respondent also agreed to purchase the land for Rs.40,00,000/- and he paid the advance amount of Rs.20,75,000/- to the accused on 16.01.2015, that the respondent came to know that the land is in dispute and a case also pending against the property and hence, the respondent asked petitioner to return the advance amount, that the petitioner issued a cheque dated 03.03.2016 and the respondent presented the cheque for collection on 16.03.2016, that the cheque was returned for the reason “ Funds Insufficient” and hence, the respondent issued a statutory notice, that after receiving the said notice, the petitioner issued another cheque, which was presented for collection on 24.10.2017 and the same was also returned for the reason “Funds Insufficient”, that the respondent issued statutory notice on 21.11.2017 and after receiving the same, the petitioner neither replied nor returned the amount and hence, the respondent lodged the present complaint.

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

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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 imprisonment and to pay a compensation of Rs.20,75,000/-, in default, to undergo four months simple imprisonment.

4.Challenging the above said conviction and sentence, the petitioner has filed an appeal in C.A.No.22 of 2019 on the file of the II III Additional District Court, Thanjavur at Pattukottai. 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



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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 petitioners herein is entitled to the relief of grant of suspension of sentence.

8. Accordingly, the relief of suspension of sentence is granted on condition that the petitioner shall deposit 25% of the compensation amount ie., a sum of Rs.5,18,750/- (Rupees Five Lakhs Eighteen Thousand Seven Hundred and Fifty only) to the credit of STC.No.08 of 2018 on the file of the learned Fast Track Court (Magistrate Level), Pattukottai and after coming out of prison, the petitioner has to deposit 25% of the compensation, within one month, thereafter, failing which the sentence suspended shall automatically be 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 and on the following conditions:-

(i) 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 III Additional District Court, Thanjavur District at Pattukottai;

(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



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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.The respondent is at liberty to withdraw the amount to be deposited at the first instance by filing necessary application before the concerned Court.

sd/-
19/10/2024

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19 / 10 /2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO
1 THE JUDGE,
FAST TRACK COURT(MAGISTRATE LEVEL),
PATTUKOTTAI,

2. THE JUDGE,
III ADDITIONAL DISTRICT COURT,
THANJAVUR AT PATTUKOTTAI

3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.



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ORDER
IN
CRL MP(MD) No.10753 of 2024
IN
CRL RC(MD) No.787 of 2021
Date :19/10/2024

PSP/ /SAR /19.10.2024/ 6P/ 4C

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