



CRL MP(MD) No.11130 of 2024

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

Monday, the Twenty First day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.11130 of 2024

in

CRL RC(MD) No.1002 of 2024

MARTIN LOUIS

... Petitioner / Petitioner

Vs

M. PUSHPARAJ

... 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 imposed on the petitioner by the Learned II Addl. District Judge, Tiruchirappalli made in Crl.A.86/2023 dt.06.07.2024 confirming the judgment of Learned J.M.II, Tiruchirappalli made in C.C.No.30/2017 dt. 18.07.2023 and pending disposal of the above criminal revision petition.

Prayer in CRL RC(MD). 1002/ 2024 :

To call for the records and set aside the judgment passed by the Learned II Additional District Judge, Tiruchirappalli made in Crl.A.86/2023 dt.06.07.2024 confirming the judgment of Learned Judicial Magistrate II, Tiruchirappalli made in C.C.No.30/2017 dt. 18.07.2023 and allow the criminal revision.

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.B.JAMEELARASU, 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 No.I, Trichy District, in C.C.No.30 of 2017, dated 18.07.2023, which was confirmed by the learned II Additional District Judge, Tiruchirappalli in Crl.A.No.86 of 2023, dated 06.07.2024.

2.The case of the respondent/complainant is that the petitioner and his wife borrowed a sum of Rs.2,50,000/- and executed promissory note in favour of the respondent and agreed to repay the same at the rate of 18% per annum, that the petitioner issued a cheque dated 10.08.2016, that the cheque was presented for collection on 25.10.2016 and the same was returned for the reason “Funds Insufficient” and hence, the respondent issued a legal notice dated 05.11.2016 and the petitioner has neither sent any reply nor paid the amount and that 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 one year simple imprisonment and to pay a fine of Rs.3,50,000/-, in default, to undergo one year simple imprisonment.

4.Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.86 of 2023 on the file of the learned II Additional District



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Judge, Tiruchirappalli. The learned 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 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:-



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(*)(i)The petitioner shall deposit a sum of Rs.1,40,000/- (Rupees One Lakh Forty Thousand only) on or before 19.11.2024 to the credit of C.C.No.30 of 2017 on the file of the learned Judicial Magistrate No.II, Tiruchirappali, 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.II, Trichy District;

(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 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



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

9.Post the matter on 20.11.2024 'for reporting compliance'.

sd/-
21/10/2024

**(*)For Corrected as per Order of this Hon'ble
Court dt.20/12/2024 in CrI.MP(MD).
13216/2024 & 11130 of 2024 in CrI.RC(MD).
1002/2024 by PVMJ.**

/ TRUE COPY /

26/12/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

**TO BE SUBSTITUTED WITH THE ORDER DT.21/10/2024 IS ALREADY
DESPATCHED**

1.The II Additional District Judge,
Tiruchirappalli.

2.The Judicial Magistrate No.II,
Tiruchirappalli.

3.Do through the Chief Judicial Magistrate,
Trichy District.

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-12932[I] dated 22/10/2024)



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ORDER

IN

CRL MP(MD) No.11130 of 2024

in

CRL RC(MD) No.1002 of 2024

Date :21/10/2024

ED/ MMS /SAR- (28/10/2024) 6P / 5C

MKN

SS/SAR. /26.12.2024/6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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