



CRL MP(MD) No.11945 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Eleventh day of November Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.11945 of 2024

IN

CRL RC(MD) No.1097 of 2024

VINOTHKUMAR

... Petitioner / Petitioner

Vs

LAKSHMANAN

... 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 by the Judgement and order dt.03.09.2024 on the file of the Learned Addl District and Sessions Court, (FTC) Theni made in Crl A No.85/2024 confirming the Judgement and order dt.02.04.2024 made in STC No.113/2016 on the Judicial Magistrate Court, Bodinayakanur, pending disposal of the Criminal Revision Petition.

Prayer in CRL RC(MD). 1097/ 2024 :

To call for the records and set aside the Judgement and order dt.03.09.2024 on the file of the Learned Addl District and Sessions Court (FTC), Theni made in Crl A No.85/2024 confirming the Judgement and order dt.02.04.2024 made in STC No.113/2016 on the Judicial Magistrate Court, Bodinayakanur, and thereby acquit the Revision Petitioner herein.



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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.MAHESWARAN R, Advocate for the petitioner, while admitting the Court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed by the learned Judicial Magistrate, Bodinayakanur, in S.T.C.No.113 of 2016, dated 02.04.2024, which was confirmed in Criminal Appeal No.85 of 2024, dated 03.09.2024, by the learned Additional District and Sessions Judge (FTC), Theni, pending disposal of the Criminal Revision Case.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 02.04.2024 for the alleged offence under Section 138 of Negotiable Instrument Act, and the trial Court sentenced him to undergo simple imprisonment for a period of 18 months and to pay a cheque amount of Rs.5,00,000/- (Rupees Five Lakhs only) as compensation to the respondent within a period of eight months in default to undergo simple imprisonment for a period of four months in S.T.C.No.113 of 2016 on the file of the learned Judicial Magistrate, Bodinayakanur.

3. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.85 of 2024 on the file of the learned Additional District and Sessions Judge (FTC), Theni. Due to non-appearance of the



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petitioner, the learned Additional District and Sessions Judge (FTC), Theni has dismissed the appeal for default. Challenging the same, the present Criminal Revision case has been filed before this Court along with this miscellaneous petition seeking suspension of sentence.

4. It is submitted by the learned counsel for the petitioner that 20% of the cheque amount i.e., Rs.1,00,000/- (Rupees One Lakh only) has already been deposited by the petitioner. He has also submitted that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses. He further submitted that the petitioner is ready to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to show his bonafide.

5. This Court has carefully considered the submission made by the learned counsel for the petitioner, and has also perused the materials available on record.

6. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies present 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 also considering the fact that the petitioner is ready to deposit certain amount to show his bonafide, this Court is of the



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considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. 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.1,00,000/- (Rupees One Lakh only) to the credit of S.T.C.No.113 of 2016 on the file of the learned Judicial Magistrate, Bodinayakanur on or before 16.12.2024, failing which the sentence suspended shall automatically dismissed and the jurisdictional police is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law.

(ii) 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 Judicial Magistrate Court, Bodinayakanur.

(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.



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8. Post the matter on 18.12.2024 under the caption “for reporting compliance”.

sd/-
11/11/2024

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12 / 11 / 2024

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

MKN

TO

- 1 The Judicial Magistrate, Bodinayakanur,
2. Do-through
The Chief Judicial Magistrate, Theni District.
3. The Additional District and Sessions Judge (FTC), Theni.

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THE SECTION OFFICER,
CRIMINAL RECORDS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER
IN
CRL MP(MD) No.11945 of 2024
IN
CRL RC(MD) No.1097 of 2024
Date :11/11/2024



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