



CRL MP(MD) No.12631 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Monday, the Twenty Fifth day of November Two Thousand and Twenty Four  
PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI  
CRL MP(MD) No.12631 of 2024  
in  
CRL RC(MD) No.1204 of 2024

M.THIRUMALAI

... Petitioner / Petitioner

Vs

M.GANESAN

... 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 by the learned IV Additional District and Sessions Court, Madurai in Crl A No.105/2023 dt.03.10.2024 by confirming the order of conviction sentence passed by the learned Judicial Magistrate No.II, Fast Track Court (Magisterial Level) at Madurai in S.T.C.No.311 of 2020 dated 19.09.2023, pending disposal of the main revision petition.

Prayer in CRL RC(MD). 1204/ 2024 :

To call for the records pertaining to the Order passed by the Learned IV Additional District and Sessions Court, Madurai in Crl.A No.105/2023 dt.03.10.2024 by confirming the order of conviction sentence passed by the learned Judicial Magistrate No.II, Fast Track Court (Magisterial Level) at Madurai in S.T.C.No.311 of 2020 dated 19.09.2023 and set aside the same.

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.S.VIKRAM, Advocate for the petitioner, while admitting the criminal revision case, the Court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence



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passed by the learned Judicial Magistrate No.II, Fast Track Court (Magisterial Level) at Madurai, in S.T.C.No.311 of 2020, dated 19.09.2023, which was confirmed in Criminal Appeal No.105 of 2023, dated 03.10.2024, by the learned IV Additional District and Sessions Judge, Madurai pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.1204 of 2024.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 19.09.2023 for the offence under Section 138 of Negotiable Instruments Act, and the trial Court sentenced him to undergo simple imprisonment for a period of one year and to pay a sum of Rs.6,75,000/- (Rupees Six Lakhs and Seventy Five Thousand only) as compensation to the respondent within a period of two months, in default, to undergo simple imprisonment for a period of six months in S.T.C.No.311 of 2020 on the file of the Judicial Magistrate No.II, Fast Track Court (Magisterial Level) at Madurai.

3. The learned IV Additional District and Sessions Judge, Madurai confirmed the conviction and sentence, and dismissed the Criminal Appeal No.105 of 2023, dated 03.10.2024. Challenging the same, the present Criminal Revision case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.

4. It is submitted by the learned counsel for the petitioner that the matter has



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been amicably settled between the parties for a sum of Rs.4,50,000/- (Rupees Four Lakhs and Fifty Thousand only), out of which, a sum of Rs.3,00,000/- (Rupees Three Lakhs only) has already been paid by the petitioner to the respondent on 03.10.2024. He has also produced a copy of receipt attested by the Notary Public, dated 03.10.2024, to show that he has paid the aforesaid sum. He 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.

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

7. 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 execute a bond for a sum of



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Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Fast Track Court (Magisterial Level) at Madurai.

(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 first working day of every English calendar month at 10.30 a.m., until further orders.

8. Issue notice to the respondent returnable on 16.12.2024. Private notice is also permitted.

9. List the matter on 16.12.2024.

sd/-  
25/11/2024

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



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To



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1.The IV Additional District and Sessionse Judg,  
Madurai.

2.The Judicial Magistrate No.II,  
Fast Track Court (Magisterial Level),  
Madurai.

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

Copy to:

The Section Officer,  
Criminal Section (Records),  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.VIKRAM, Advocate ( SR-14454[I] dated 25/11/2024 )

ORDER

IN

CRL MP(MD) No.12631 of 2024

in

CRL RC(MD) No.1204 of 2024

Date :25/11/2024

ED/ VR /SAR- (02/12/2024) 5P / 6C

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