



CRL MP(MD) No.13568 of 2024

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

Thursday, the Twelfth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL MP(MD) No.13568 of 2024
in
CRL RC(MD)No.1335 of 2024

1 JEYAM TRADERS
BY ITS PROPRIETOR CHINNADURAI,

2 CHINNADURAI

... PETITIONERS/PETITIONERS

Vs

M.ESWARAN

... RESPONDENTS/RESPONDENTS

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant an order of Suspend the sentence imposed by the judgment dt.19.08.2024 passed in C.A No.106/2022 on the file of the Addl District Court (Fast Track), Theni confirming the judgment dt.27.09.2022 passed in STC No.28/2021 on the file of the Fast Track Court, (Magistrate Level)Uthamapalayam, pending disposal of the main criminal revision petition.

Prayer in CRL RC(MD). 1335/ 2024 :

To Set aside the judgment dt.19.08.2024 passed in C.A No.106/2022 on the file of the Addl District Court, (Fast Track) Theni confirming the conviction and sentence to undergo simple imprisonment for one year u/s.138 of Negotiable Instruments Act and to pay a compensation of Rs.8,00,000/- the cheque amount in default to undergo further simple imprisonment for three months by the judgment dated 27.09.2022 passed in S.T.C.No.28 of 2021 on the Fast Track Court(Magistrate Level), Uthamapalayam.



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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 Mr.V.MEENAKSHI SUNDARAM, Advocate for the petitioner while admitting the Criminal Revision Petition.,, the Court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition to suspend the sentence imposed on him in C.A.No.106 of 2022, dated 19.08.2024 on the file of the learned Additional District Judge, Fast Track Court, Theni, confirming the judgment passed in S.T.C.No.28 of 2021, dated 27.09.2022 on the file of the learned Judicial Magistrate, Fast Track Court, (Magistrate Level), Uthamapalayam pending disposal of the Criminal Revision Case.

2. The learned counsel appearing for the petitioners submitted that the second petitioner has been convicted by the trial Court on 27.09.2022 for the offence under Section 138 of the Negotiable Instrument Act, and the trial Court sentenced him to undergo simple imprisonment for a period of one year and to pay a cheque amount of Rs.8,00,000/- (Rupees Eight Lakhs only) as compensation to the respondent in S.T.C.No.28 of 2021 on the file of the learned Judicial Magistrate, Fast Track Court (Magistrate Level), Uthamapalayam.

3. The learned Additional District Judge, Fast Track Court, Theni confirmed



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the conviction and sentence, and dismissed the Criminal Appeal No.106 of 2022, dated 19.08.2024. 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. The learned counsel for the petitioners 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 would further submit that the second petitioner is ready to deposit 20% of the cheque amount i.e., a sum of Rs.1,60,000/- (Rupees One lakh and Sixty Thousand only) to show his bonafide.

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

6. The learned counsel for the petitioners 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



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for final hearing in the near future and as such, and also considering the bonafide expressed by the second petitioner, this Court is of the considered view that the second 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 second petitioner shall deposit 20% of the cheque amount i.e., **a sum of Rs.1,60,000/- (Rupees One Lakh and Sixty Thousand Only)** to the credit of S.T.C.No.28 of 2021 on the file of the learned Judicial Magistrate, Fast Track Court, (Magistrate Level), Uthamapalayam. **on or before 21.01.2024**, 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 second petitioner in the manner known to law;

(ii) On such deposit, the second 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 learned Judicial Magistrate, Fast Track Court, (Magistrate Level), Uthamapalayam;

(iii) The sureties shall affix their photographs and Left Thumb Impression in



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the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank

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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;

(v) On such deposit, learned Judicial Magistrate, Fast Track Court, (Magistrate Level), Uthamapalayam. shall re-deposit the said sum in a Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in CrI.R.C.(MD)No.1335 of 2024.

8. List the matter on **22.01.2025** under the caption “for reporting compliance”.

sd/-

12/12/2024

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/12/2024

Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

VSD

TO

1 THE ADDITIONAL DISTRICT JUDGE
(FAST TRACK) THENI.



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2 THE FAST TRACK JUDGE
(MAGISTRATE LEVEL), UTHAMAPALAYAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

ORDER
IN
CRL MP(MD) No.13568 of 2024
in
CRL RC(MD)No.1335 of 2024
Date :12/12/2024

SS/GSV/SAR- /20/12/2024/ 6P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023