



*Crl.M.P.Nos.11025 & 11026 of 2024
in Crl.R.C.No.1259 of 2024*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.11025 & 11026 of 2024

in

Crl.R.C.No.1259 of 2024

PANDARINATHAN

S/o.Thambusamy, Karuppampulam, Vedaranyam
Taluk, Nagapattinam District.

Appellant(s)

Vs

Jemila Beevi

W/o.Abdul Wahab, No.8-K, Vaniya Street,
Thittacherry, Nagapattinam District. and another

Respondent(s)

For Appellant(s):

Mr.R.Muruga Bharathi

ORDER

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner in judgment made by the Additional District Judge, Mayiladuthurai in C.A.No.25 of 2015 dated 31.10.2022 and S.T.C.No.100 of 2012 confirming the judgment passed by the



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learned Judicial Magistrate (Fast Track Court), Nagapattinam dated 28.04.2015 and enlarge the petitioner on bail pending disposal of the above revision and to exempt the petitioner from surrendering before the trial court, pending disposal of the above revision.

2.It is the case of the respondent that towards discharge of the liability, the petitioner had issued a cheque for Rs.74,000/-; that when the cheque was presented for collection it was returned with an endorsement “Funds insufficient” and that inspite of statutory notice, petitioner did not make any payment.

3.The petitioner/accused in S.T.C.No.100 of 2012 was convicted by the Trial Court by judgment dated 28.04.2015 for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and directed him to pay double the cheque amount of Rs.1,48,000/-. Aggrieved by the same, the petitioner/accused



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preferred an appeal in Crl.A.No.25 of 2015 before the learned Additional District Judge, Mayiladuthurai. The learned District Judge, by judgment dated 31.10.2022, dismissed the appeal confirming the conviction and sentence passed by the trial Court, against which, he filed Crl.R.C.No.1259 of 2024 before this Court along with the instant miscellaneous petitions seeking suspension of sentence, exemption from surrender and bail.

4.The learned counsel for the petitioner would submit that the petitioner has raised substantial grounds in the above revision, which requires consideration; that the petitioner had rebutted the statutory presumption; and that to show his bonafides, the petitioner is willing to deposit the cheque amount of Rs.74,000/- and prayed for granting suspension of sentence to the petitioner.

5. Heard the learned counsel for the petitioner and perused the records.



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6. Considering the fact that the petitioner has raised substantial grounds in the above revision, which requires consideration and the submission made by the petitioner that he is willing to deposit the cheque amount of Rs.74,000/-, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the trial court, on the following conditions, till the disposal of the above Criminal Revision:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit the cheque amount, i.e. Rs.74,000/- (Rupees Seventy Four Thousand only) to the credit of S.T.C.No.100 of 2012 on the file of the Judicial Magistrate, Fast Track Court, Nagapattinam, within a period of four weeks from the date of receipt of a copy of this order.

(ii) On such deposit being made, the trial Court shall redeposit the said amount in a Fixed Deposit Account, in any one of the Nationalized Banks,



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renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Criminal Revision Case.

(iii) Thereafter, the sentence of imprisonment alone, imposed on the petitioner/accused shall be suspended, on his executing a bond for a sum of Rs.10,000/- with two sureties, each for a likesum to the satisfaction of the trial court.

(iv) The petitioner and 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 and mobile numbers to ensure their identity;

(v) The petitioner shall appear before the Trial Court on the first working day of a month at 10.30 a.m., until the disposal of the revision and if he is not able to appear before the Trial Court on that day, he shall make arrangements to file an application under Section 317



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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.

(vi) On the failure of the petitioner/accused, depositing the above said amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

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To

- 1.The Additional District Judge,
Mayiladuthurai.
- 2.The Judicial Magistrate (Fast Track Court),
Nagapattinam.
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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