



CRL MP(MD) NO. 781 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-01-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 781 of 2025

IN

CRL RC(MD) NO. 64 of 2025

Sivasubramanian

S/o Muthrakkan, No. 1382/7 Ezhil nagar,

North Thiruvalluvar nagar,

Rajapalayam, Virudhunagar District.

Petitioner(s)

Vs

Ganeshan

S/o Krishnan, Visvaisubramaniyapuram street,

Viswanathapiri village, Sivagiri Taluk,

Tenkasi District.

Respondent(s)

For Petitioner(s): Mr.M.Jothi Basu

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Additional District Munsif cum Judicial Magistrate, Sivagiri, in C.C.No.117 of 2016, dated 30.01.2022, which was confirmed by the learned Additional District and Sessions Judge (FTC), Tenkasi in Criminal Appeal No.23 of 2023 dated 23.10.2024, pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.64 of 2025.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 30.01.2022 for the offence under Section 138



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of Negotiable Instruments Act, and the trial Court sentenced him to undergo simple imprisonment for a period of two years and to pay a sum of Rs.7,60,000/- (Rupees Seven Lakhs and Sixty Thousand only) as compensation to the respondent within a period of two months from the date of judgment, in default, it is open to the respondent to initiate proceedings in accordance with law, in C.C.No.117 of 2016 on the file of the learned Additional District Munsif cum Judicial Magistrate, Sivagiri.

3. The learned Additional District and Sessions Judge (FTC), Tenkasi confirmed the conviction and sentence, and dismissed the Criminal Appeal No.23 of 2023, dated 23.10.2024. Challenging the same, the present Criminal Revision case, along with this Criminal Miscellaneous Petition seeking suspension of sentence, has been filed before this Court.

4. It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses. Further, he submitted that the petitioner has already deposited a sum of Rs.1,52,000/- (Rupees One Lakh and Fifty Two Thousand only) before the trial Court, and is now ready to deposit 20% of the cheque amount i.e. a sum of Rs.76,000/- (Rupees Seventy Six Thousand only) to show his bonafide.

5. This Court has carefully considered the submission made by the learned



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counsel for the petitioner, and has also perused the materials available on record.

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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, and also considering the bonafide expressed by the petitioner, 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 deposit 20% of the cheque amount i.e. a sum of Rs.76,000/- (Rupees Seventy Six Thousand only) to the credit of C.C.No.117 of 2016 on the file of the learned Additional District Munsif cum Judicial Magistrate, Sivagiri on or before 24.02.2025, 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 petitioner in the manner known to law;

(ii) On such deposit, the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction



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of the learned Additional District Munsif cum Judicial Magistrate, Sivagiri, Tenkasi District.

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(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;

(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

(v) On such deposit, the learned Additional District Munsif cum Judicial Magistrate, Sivagiri shall re-deposit the said sum in a Nationalized 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.64 of 2025.

8. Issue notice to the respondent returnable on 25.02.2025. Private notice is also permitted.

9. List the matter on 25.02.2025 under the caption “for reporting compliance”.

sd/-
23/01/2025

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/02/2025

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 ADDITIONAL DISTRICT AND SESSIONS JUDGE, (FTC), TENKASI.

2 THE ADDITIONAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SIVAGIRI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TENKASI DISTRICT.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-769[I] dated 24/01/2025)

ORDER IN
CRL MP(MD) NO. 781 of 2025 IN
CRL RC(MD) NO. 64 of 2025
Date :23/01/2025

RS/VR/SAR-(03.02.2025) 5P 5C

Madurai Bench of Madras High Court is issuing
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