



CRL MP(MD) NO. 467 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10-01-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 467 of 2025

IN

CRL RC(MD) NO. 38 of 2025

Thiyagarajan
S/o .Selvaraj, Teachers Colony,
G.T.Layout-2, Udumalai Nagar,
Udumalai Taluk, Tiruppur District.

Petitioner(s)

Vs

Arulnathan
S/o. Sundararajan,
Door No. 410A, 3rd Ward,
West Street, A. Kalayampudur,
Palani Taluk, Dindigul District.

Respondent(s)

For Petitioner(s): Mr.S.Muniyandi

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate (FTC), Palani, in C.C.No.23 of 2019, dated 27.06.2023, which was confirmed by the learned Additional District Judge (FTC), Palani in Criminal Appeal No.95 of 2023 dated 11.12.2024, pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.38 of 2025.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 27.06.2023 for the offence under Section 138



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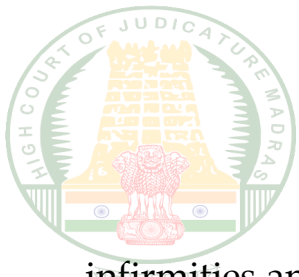
of Negotiable Instruments Act, and the trial Court sentenced him to undergo simple imprisonment for a period of eight months and to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) as compensation to the respondent within a period of two months from the date of judgment, in default, to undergo simple imprisonment for a period of two months in C.C.No.23 of 2019 on the file of the learned Judicial Magistrate (FTC), Palani.

3. The learned Additional District Judge (FTC), Palani confirmed the conviction and sentence, and dismissed the Criminal Appeal No.95 of 2023, dated 11.12.2024. 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 is ready to deposit 20% of the compensation amount i.e. 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



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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 compensation amount i.e. a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of C.C.No.23 of 2019 on the file of the learned Judicial Magistrate (FTC), Palani on or before 07.02.2025, 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate/Fast Track Court, Palani;

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



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surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

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(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 Judicial Magistrate (FTC), Palani 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.38 of 2025.

8. Issue notice to the respondent returnable on 10.02.2025. Private notice is also permitted.

9. List the matter on 10.02.2025 under the caption “for reporting compliance”.

sd/-

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

mkn



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TO मेव जयते

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1 THE ADDITIONAL DISTRICT JUDGE (FTC), PALANI.

2 THE JUDICIAL MAGISTRATE (FTC), PALANI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

+1 CC to M/s.J.JEYA ARON RAJA, Advocate (SR-473[I] dated 10/01/2025)

ORDER

IN

CRL MP(MD) NO. 467 of 2025

IN

CRL RC(MD) NO. 38 of 2025

Date :10/01/2025

RS/VR/SAR-(28.01.2025) 5P 5C

Madurai Bench of Madras High Court is issuing
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