



CRL MP(MD) NO. 1265 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30-01-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 1265 of 2025

IN

CRL RC(MD) NO. 122 of 2025

R.N.Malarkodi

Proprietor, M/s Mala Traders, 1/10-A Thirunaganeri Road,
Mangaimadam, Sirkali taluk, Mayiladuthurai District.

Petitioner(s)

Vs

P.Krishnan

Proprietor, M/s Sri Sankar Krishna Traders,
1085-B/2, Cotton Market, NRJ, Jinning Factory,
Rajapalayam Taluk, Virudhunagar 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 Fast Track Judicial Magistrate Court, Srivilliputtur in C.C.No.280 of 2021 dated 15.10.2022, which was confirmed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in Criminal Appeal No.157 of 2022 dated 15.10.2024, pending disposal of the Criminal



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Revision Case in Crl.R.C.(MD)No.122 of 2025.

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2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 15.10.2022 for the offence under Section 138 of Negotiable Instruments Act, and the trial Court sentenced her to undergo simple imprisonment for a period of two years and to pay a cheque amount of Rs.3,90,000/- (Rupees Three Lakhs and Ninety Thousand only) as compensation to the respondent within a period of two months, in default, to undergo simple imprisonment for a period of three months in C.C.No.280 of 2021 on the file of the Fast Track Judicial Magistrate Court, Srivilliputtur.

3. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.157 of 2022 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur. By a judgment, dated 15.10.2024, the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, by confirming the conviction and sentence imposed by the trial Court, dismissed the appeal. Being dissatisfied with the said conviction and sentence, 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



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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 cheque amount i.e., a sum of Rs.78,000/- (Rupees Seventy Eight Thousand only) to show her 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 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.78,000/- (Rupees Seventy Eight Thousand only) to the credit of C.C.No.280 of 2021 on the file of the Fast Track Judicial



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Magistrate Court, Srivilliputtur on or before 27.02.2025, 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 Fast Track Judicial Magistrate Court, Srivilliputtur, Virudhunagar District;

(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 Fast Track Judicial Magistrate Court, Srivilliputtur, Virudhunagar District 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 Fast Track Judicial Magistrate Court, Srivilliputtur 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



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8. Issue notice to the respondent returnable on 28.02.2025. Private notice is also permitted.

9. List the matter on 28.02.2025 under the caption "for reporting compliance".

sd/-
30/01/2025

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/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN
TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

2 THE FAST TRACK JUDICIAL MAGISTRATE,
SRIVILLIPUTTUR, VIRUDHUNAGAR DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-1197[I] dated 31/01/2025)

ORDER
IN
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IN
CRL RC(MD) NO. 122 of 2025
Date :30/01/2025

SA/GSV/SAR. /10.02.2025/5P/5C

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