



CRL MP(MD) NO. 1191 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29-01-2025

**CORAM
THE HONOURABLE MR JUSTICE P.VADAMALAI**

**CRL MP(MD) NO. 1191 of 2025
IN
CRL RC(MD) NO. 114 of 2025**

C.Suresh Kumar
S/o Chandra Bosh, No. 12 Housing Board colony, Suthamalli
vilakku, Tirunelveli

Petitioner(s)

Vs

A.Arul Soundar Rajan
S/o Arulappan Nadar, No. 63 Sathiri nagar, Pettai, Tirunelveli

Respondent(s)

For Petitioner(s):

Mr.S.M.Mohan Gandhi, Advocate

For Respondent(s):

Mr.KA.Raamakrishnan, Advocate

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli, in S.T.C.No.366 of 2019, dated 16.03.2022, which was confirmed by the learned III Additional District and Sessions Judge, Tirunelveli in



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Criminal Appeal No.68 of 2023 dated 01.02.2024, pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.114 of 2025.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 16.03.2022 for the offence under Section 138 of Negotiable Instruments Act, and the trial Court sentenced him to undergo simple imprisonment for a period of six months and to pay a sum of Rs.8,00,000/- (Rupees Eight 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 S.T.C.No.366 of 2019 on the file of the Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli.

3. The learned III Additional District and Sessions Judge, Tirunelveli confirmed the conviction and sentence, and dismissed the Criminal Appeal No.68 of 2023, dated 01.02.2024. 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 the petitioner is



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under custody since 17.12.2024, and 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 entire cheque amount has already been paid to the respondent.

5. The learned counsel for the respondent has also conceded to the submission made by the learned counsel for the petitioner that the entire cheque amount has been paid by the petitioner to the respondent, and submitted that his client has no objection to this petition.

6. This Court has carefully considered the submission made by the learned counsel appearing on either side, and has also perused the materials available on record.

7. 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 considering the fact that the entire



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cheque amount has already been paid to the respondent by the petitioner, and also considering the period of incarceration suffered 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.

8. 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 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 Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli.

(ii) 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; and



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(iii) The petitioner shall appear before the Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-

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Sub-Assistant Registrar ()

Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN

TO

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF
NEGOTIABLE INSTRUMENT ACT, TIRUNELVELI.

2 THE 3RD ADDITIONAL DISTRICT
AND SESSIONS JUDGE, TIRUNELVELI

3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

ORDER

IN

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IN

CRL RC(MD) NO. 114 of 2025

Date :29/01/2025

SS/SAR- /29/01/2025/ 5P/4C

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