



CRL MP(MD) NO.1550 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04-02-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) NO.1550 of 2025

in

CRL RC(MD) NO.147 of 2025

Keshavram

Petitioner

Vs

Swaminathan

Respondent

For Petitioner : Mr.B.A.Muruganantham, Advocate

ORDER

This Criminal Miscellaneous Petition has been filed seeking orders to suspend the sentence and the compensation imposed on the petitioner/accused by the learned Judicial Magistrate, Fast Track Court, Karaikudi, in C.C.No.26 of 2013, dated 13.10.2016, which was confirmed by the learned Sessions Judge, Fast Track Mahila Court, Sivagangai, in Crl.A.No.85 of 2016, dated 27.08.2024.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.3,00,000/- from the respondent on 03.03.2011 with interest and executed a promissory note, that after repeated demand, the petitioner issued a cheque dated 23.11.2012 for Rs.3,00,000/-, that when the respondent has presented the cheque for collection on 26.11.2012, the same was returned with reason "Insufficient Funds", that



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the respondent has then sent a legal notice dated 03.12.2012 mistakenly to the petitioner's father and hence, the respondent has again sent a legal notice dated 13.12.2012 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 20.12.2012, that the petitioner, after receiving the notice, has neither sent any reply nor paid any amount and that therefore, the respondent has filed a private complaint for the offence under Section 138 of Negotiable Instruments Act against the petitioner.

3. It is seen from the records that the petitioner has been convicted by the trial Court for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of one year and also directed to pay a compensation of Rs.3,00,000/- (Rupees Three Lakhs only) under Section 357(3) of Cr.P.C., in default, to undergo Simple Imprisonment for a period of three months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.85 of 2016 on the file of the Fast Track Mahila Court, Sivagangai. The learned Sessions Judge confirmed the conviction and sentence and dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petition seeking suspension of sentence.

4. The learned counsel appearing for the petitioner would submit that the



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petitioner has already deposited Rs.25,000/- before the trial Court. He would further submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

5. This Court has carefully considered the contentions put forward by the learned counsel appearing for the petitioner and also perused the materials available on record.

6. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also 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, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. In the result, this Criminal Miscellaneous Petition is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall deposit Rs.2,00,000/- (Rupees Two Lakhs only) on or before 04.03.2025 to the credit of C.C.No.26 of 2013 on the file of the learned Judicial Magistrate, Fast Track Court, Karaikudi, failing which the sentence suspended shall



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automatically dismissed and the concerned jurisdictional police is at liberty to
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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, Karaikudi;

(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; and

(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 if he is not able to appear before the trial Court on any day, he shall make
arrangements to file an application under Section 317 of 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.

8. Post the matter on 05.03.2025 'for reporting compliance'.

sd/-

04/02/2025

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



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TO

1 THE SESSIONS JUDGE, FAST TRACK MAHILA COURT, SIVAGANGAI.

2 THE JUDICIAL MAGISTRATE, FAST TRACK COURT, KARAIKUDI

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

ORDER

IN

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in

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Date :04/02/2025

RS/VR/SAR-(24.02.2025) 5P 4C

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