



CRL MP(MD) NO. 1290 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30-01-2025

CORAM
THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 1290 of 2025
IN
CRL RC(MD) NO. 124 of 2025

B. Syed Ali
S/o. N. Buhari, 22/72, Mettukadai, Thuckalai Post,
Kalkulam Taluk, Kanyakumari District.

....Petitioner

Vs

M. Ramasamy
S/o. Mariappa Thevar,
2/10, Vallinayagipuram Village, Kadalaiyur Post,
Ettayapuram Taluk, Thoothukudi District.

...Respondent

For Petitioner:

Mr.R.J.Karthick, Advocate

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the Fast Track Court (Magisterial Level), Kovilpatti in C.C.No.29 of 2018 dated 28.09.2022, which was confirmed by the learned II Additional District and Sessions Judge, Thoothukudi in Criminal Appeal No.95 of 2022 dated 13.09.2024, pending disposal of the Criminal Revision Case in CrI.R.C.



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2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 28.09.2022 for the offence under Section 138 of Negotiable Instruments Act, and the trial Court sentenced her to undergo simple imprisonment for a period of six months and to pay a sum of Rs.26,50,000/- (Rupees Twenty Six Lakhs and Fifty Thousand only) as compensation to the respondent within a period of one month from the date of receipt of that judgment, in default, to undergo simple imprisonment for a period of three months in C.C.No.29 of 2018 on the file of the Fast Track Court (Magisterial Level), Kovilpatti.

3. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.95 of 2022 on the file of the learned II Additional District and Sessions Judge, Thoothukudi. By a judgment, dated 13.09.2024, the learned II Additional District and Sessions Judge, Thoothukudi, 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.



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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 now ready to deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs 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 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



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imprisonment alone is suspended pending disposal of the revision with the following directions :

(i) The petitioner shall deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the credit of C.C.No.29 of 2018 on the file of the Fast Track Court (Magisterial Level), Kovilpatti 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 Court (Magisterial Level), Kovilpatti;

(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 Court (Magisterial Level), Kovilpatti once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

(v) On such deposit, the Fast Track Court (Magisterial Level), Kovilpatti 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



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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 (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE II ND ADDITIONAL DISTRICT AND SESSIONS JUDGE, THOOTHUKUDI.

2.THE JUDGE, FAST TRACK COURT (MAGISTERIAL LEVEL), KOVILPATTI

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

ORDER

IN

CRL MP(MD) NO. 1290 of 2025

IN

CRL RC(MD) NO. 124 of 2025

Date :30/01/2025

RK/VR(10/02/2025) 5P / 4C

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