



CRL MP(MD) NO. 1362 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31-01-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 1362 of 2025

IN

CRL RC(MD) NO. 130 of 2025

K.Solomon Jeyaraj
S/o.Kaarpandian,
No.50, Maria Illam,
Murugan Koil Street, Sakthi Nagar,
Palayamkottai, Tirunelveli District.

Petitioner(s)

Vs

D.Victor Rajasekaran
S/o.Daniel,
461/B, V.O.C.Nagar F Colony,
V.M.Chatram, Tirunelveli District.

Respondent(s)

For Petitioner(s): Mr.R.Muthuram

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.12 of 2020 dated 15.03.2023, which was confirmed by the learned I Additional District and Sessions Judge, Tirunelveli in Criminal Appeal No.49 of 2023 dated 07.12.2024, pending disposal of the Criminal



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Revision Case in Crl.R.C.(MD)No.130 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 15.03.2023 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 compensation of Rs.4,00,000/- (Rupees Four Lakhs only) to the respondent within a period of two months from the date of the judgement, in default, to undergo simple imprisonment for a period of two months in S.T.C.No.12 of 2020 on the file of the learned Judge, Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli.

3. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.49 of 2023 on the file of the learned I Additional District and Sessions Judge, Tirunelveli. By a judgment, dated 07.12.2024, the learned I Additional District and Sessions Judge, Tirunelveli, 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 infirmities in the prosecution case, and also there are contradictions in material



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particulars between the evidence of the prosecution witnesses. Further, he submitted that the petitioner is ready to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand 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 imprisonment alone is suspended pending disposal of the revision with the following directions :

(i) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of S.T.C.No.12 of 2020 on the file of the learned Judge, Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli on or before 24.02.2025, failing which, the sentence suspended shall automatically dismissed, and



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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.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judge, Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli.

(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 learned Judge, 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; and

(v) On such deposit, the learned Judge, Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli 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 Crl.R.C. (MD)No.130 of 2025.

8. Issue notice to the respondent returnable on 25.02.2025. Private notice is also



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permitted.

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9. List the matter on 25.02.2025 under the caption “for reporting compliance”.

sd/-

31/01/2025

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

2 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, TIRUNELVELI.

+1 CC to M/s.R.MUTHURAM, Advocate (SR-1189[I] dated 31/01/2025)

ORDER

IN

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IN

CRL RC(MD) NO. 130 of 2025

Date :31/01/2025

RS/VR/SAR-2(19.02.2025) 5P 4C

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