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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17-02-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos.1898 and 1953 of 2025

in CRL RC(MD) No.192 of 2025

Muruganantham

S/o.Karuppaiyan, Main Road, Thiruchitrambalam Village,
Pattukkottai Taluk, Thanjavur District.

Petitioner

Vs

Ramamoorthy

S/o.Krishnan, Suriyanarayanapuram, Thiruchitrambalam
Village, Pattukkottai Taluk, Thanjavur District.

Respondent

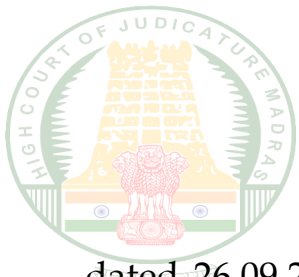
For Petitioner :

A.Arun Prasad

ORDER

The above petition has been filed to suspend the sentence imposed on the petitioner by the Judicial Magistrate Court (FTC), Pattukottai, in S.T.C.No.16 of 2020, dated 27.06.2022, which was confirmed by the learned III Additional District and Session Judge, Thanjavut at Pattukkottai, in Crl.A.No.45 of 2022, dated 10.01.2025.

2. The case of the complainant is that the petitioner/accused has borrowed a sum of Rs.5,00,000/- from the complainant on 26.09.2019 for his business need and agreed to repay the said amount within one month, that the petitioner has issued a cheque,



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dated 26.09.2019 in favour of the complainant bearing No.001832, drawn on Union Bank, Thiruchitrambalam Branch, in the presence of complainant's wife and one Rajagopalan; that thereafter, on 30.09.2019 the petitioner/accused came to the house of the complainant and demanded a sum of Rs.1,00,000/- and after receiving the same, the petitioner has issued a cheque, dated 30.09.2019 in favour of the complainant bearing No.022705, drawn on Union Bank, Thiruchitrambalam Branch, that on 31.10.2019, the complainant has presented the cheque for collection, the same was returned on 01.11.2019 with reason as "payment stopped by drawer", that the complainant has then sent a notice dated 19.11.2019 to the petitioner demanding repayment of the amount covered by the cheque and that the petitioner after receiving the notice, has sent reply notice on 04.12.2019 with false averments. Hence, the complainant has filed a private complaint for the offence under Section 138 of Negotiable Instruments Act.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been convicted by the trial Court for the alleged offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and to pay a compensation of Rs.7,00,000/-, in default, to undergo three months simple imprisonment.

4. Challenging the above said conviction and sentence, the petitioner has filed an



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appeal in Crl.A.No.45 of 2022 on the file of the learned IV Additional District Judge, Tirunelveli. The learned III Additional District and Sessions Judge, Thanajvur, Pattukkottai, confirming the conviction and sentence, dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision along with the instant miscellaneous petition seeking suspension of sentence.

5. The learned counsel appearing for the petitioner would 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.

6. 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.

7. 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.

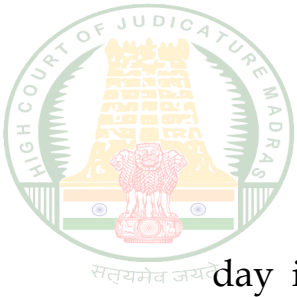
8. Accordingly, the relief of suspension of sentence is granted to the petitioner on the



following conditions:-

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- (i) The petitioner shall deposit 75% of the compensation amount on or before 17.03.2025 to the credit of S.T.C.No.16 of 2020 on the file of the Judicial Magistrate Court (FTC) Pattukkottai, failing which the sentence suspended shall automatically dismissed and the concerned jurisdictional police 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 learned Judicial Magistrate Court (FTC) Pattukkottai;
- (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



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day in lieu of the date of his absence, as directed by the trial Court.

Consequently, Crl.MP(MD)No.1953 of 2025, is dismissed.

9. Post the matter on 19.03.2025 'for reporting compliance'.

sd/-
17/02/2025

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/03/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

das
TO

1 THE JUDICIAL MAGISTRATE COURT (FTC) PATTUKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

2 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, THANJAVUR AT
PATTUKKOTTAI.

ORDER
IN
CRL MP(MD) No.1898 and 1953 of 2025
IN
CRL RC(MD) No.192 of 2025
Date :17/02/2025

NBF / GSV / SAR- (10/03/2025) 5P/4C

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