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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07-02-2025

CORAM
THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos.1555 and 1556 of 2025
in CRL RC(MD) NO.149 of 2025

T.Prabhakaran

Petitioner in
both the petitions

Vs

S.R.Sambasivam

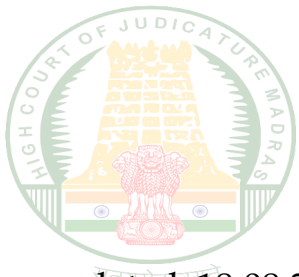
Respondent in
both the petitions

For Petitioner in both the petitions:

Mr.S.Sivaprakash, Advocate

COMMON ORDER

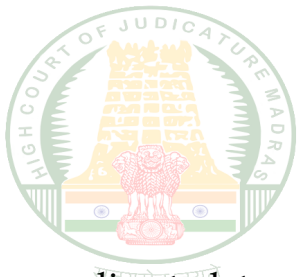
These Criminal Miscellaneous Petitions have been filed (i) to suspend the sentence and the compensation imposed on the petitioner/sole accused by the learned Judicial Magistrate (Fast Track Court), Pattukkottai, in S.T.C.No.93 of 2021,



dated 18.08.2023, which was confirmed by the learned III Additional District and Sessions Judge, Thanjavur @ Pattukkottai, in CrI.A.No.212 of 2023, dated 30.09.2024 and (ii) to exempt the petitioner to surrender before the trial Court.

2. The case of the respondent/complainant is that on 06.01.2020, the petitioner borrowed a loan of Rs.17,00,000/- from the respondent and he executed a promissory note and agreed to repay the amount with interest at 12% per annum, that thereafter the respondent demanded to repay the loan amount, for which, on 28.06.2021, the petitioner issued a cheque dated 30.06.2021 for Rs.20,00,000/-, that when the respondent has presented the cheque for collection on 13.07.2021, the same was returned with reason "Funds Insufficient", that the respondent has then sent a statutory notice dated 19.07.2021 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 22.07.2021, that the petitioner, after receiving the notice, has sent a reply notice on 03.08.2021 disputing the liability and the issuance of the cheque 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



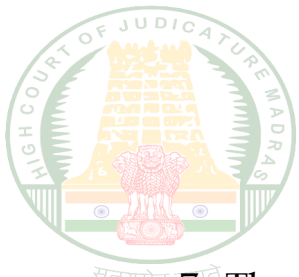
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directed to pay a compensation of Rs.20,25,000/- under Section 357(3) of Cr.P.C., within two months, in default, to undergo Simple Imprisonment for a period of three months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in CrI.A.No.212 of 2023 on the file of the learned III Additional District and Sessions Court, Thanjavur @ Pattukkottai. The learned III Additional District and 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 petitions.

4. When the matter was taken up for hearing on 04.02.2025, this Court directed the petitioner to deposit 20% of the remaining compensation amount i.e., Rs.3,24,000/- on or before 06.02.2025. In pursuance of the said direction, the petitioner has deposited the said amount and also produced the copy of the receipt.

5. When the matter is taken up for hearing today, 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.



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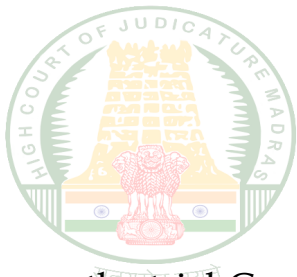
7. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not 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. In the result, the Criminal Miscellaneous Petition in CrI.M.P.(MD)No.1555 of 2025 is ordered. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

(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 learned Judicial Magistrate (Fast Track Court), Pattukkottai;

(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;

(iii) 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 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
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trial Court.

9. The petitioner, after coming out on bail, is directed to deposit Rs.4,86,000/-
(Rupees Four Lakhs and Eighty Six Thousand only) to the credit of S.T.C.No.93 of
2021, before the Judicial Magistrate (Fast Track Court), Pattukkottai, on or before
06.03.2025.

10. Accordingly, CrI.M.P.(MD)No.1556 of 2025 is dismissed.

11. Post the matter on 07.03.2025 under the caption 'for reporting compliance'.

sd/-

07/02/2025

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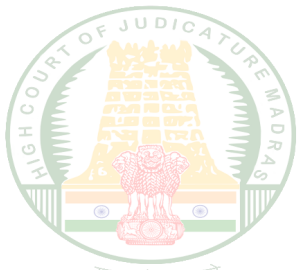
07/02/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM
TO

1 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR @ PATTUKKOTTAI.

2 THE JUDICIAL MAGISTRATE (FAST TRACK COURT),



PATTUOKKOTTAL,
THANJAVUR DISTRICT.

3 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM

+1 CC to M/s.S.SIVAPRAKASH, Advocate (SR-1467[I] dated 07/02/2025)

ORDER
IN
CRL MP(MD) No.1555 of 2025
IN
CRL RC(MD) No.149 of 2025
Date :07/02/2025

NBF / (07/02/2025) 6P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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