



CRL MP(MD) NO. 4027 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25-03-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No. 4027 of 2025

in CRL RC(MD) No. 389 of 2025

N.Santhi

Petitioner

Vs

1.P.Dhandapani (Died)

2.Manimala

3.Palaniyammal

4.Babu

5.Bharathi

6.Sujipriya

Respondents

(R2 to R6 are substituted as per order of the Court, dated 20.03.2025 in Crl.M.P(MD) No.3655 of 2025 in Crl.RC(MD)SR No.4458 of 2025)

Prayer in CRL MP(MD) No. 4027 of 2025 : Criminal Miscellaneous Petition filed under Section 438(1) of Cr.P.C., seeking orders to suspend the sentence imposed in judgment, dated 30.11.2022 passed in Crl.A.No.2 of 2022 on the file of the Principal District Judge, Karur, confirming the judgment, dated 16.12.2021 passed in C.C.No.777 of 2017 on the file of the learned Judicial Magistrate (Fast Track Court) Magisterial Level, Karur.

Prayer in CRL RC(MD) No. 389 of 2025 : Criminal Revision Petition filed under Sections 438 r/w 442 BNSS, to call for the records pertaining to the judgment, dated 30.11.2022 passed in Crl.A.No.2 of 2022 on the file of the Principal District Judge, Karur confirming the judgment, dated 16.12.2021 passed in C.C.No.777 of 2017 on



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the file of the Judicial Magisterial (Fast Track Court) Magisterial Leveli, Karur and set aside the same.

(cause title amended as per order of the Court, dated 25.03.2025 in Crl.M.P(MD) No.4092 of 2025 in Crl.RC(MD)No.389 of 2025)

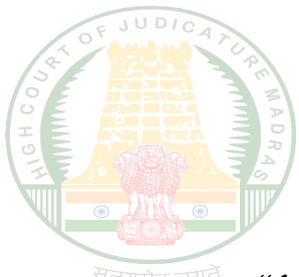
For Petitioner : Mr.C.Mayilvaha Rajendran

For Respondents : Mr.N.Balasubramanian

ORDER

The above petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate (FTC) Magisterial Level, Karur, in C.C.No.777 of 2017, dated 16.12.2021, which was confirmed by the learned Principal District Judge, Karur, in Crl.A.No.2 of 2022, dated 31.12.2022.

2. The case of the respondent/complainant is that the petitioner/accused borrowed a sum of Rs.6,50,000/- on 08.03.2015 and agreed to repay the amount with interest at Rs.1.00 per 100 per month; that after receiving the amount from the complainant, the petitioner has paid the interest upto 08.10.2015 and on the same day, she has issued a cheque, dated 10.10.2015 for Rs.6,50,000/-, drawn on Corporation Bank, Tiruchirappalli bearing No.536146, in favour of the complainant; that on 12.10.2015, the complainant has presented the cheque for collection through his banker Karur Vysya Bank Central Branch, Karur, the same was returned on 13.10.2015 with



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reason as “funds insufficient”; that when the same was informed to the petitioner, she has asked the complainant to present the cheque on first week of November 2015; that the complainant has presented the cheque on 09.11.2015 for collection, through his banker Karur Vysya Bank, Central Branch, Karur, the same was returned on 10.11.2015 with reason as “funds insufficient”; that thereafter, the complainant has issued another cheque, dated 06.12.2016, drawn on Corporation Bank, Tiruchirappalli bearing No.961099; that the complainant has presented the cheque for collection on 07.12.2016, the same was returned on 08.12.2016 with the reason as “funds insufficient” ; that the complainant has issued a statutory notice, dated 19.12.2016 to the petitioner demanding repayment of the amount covered by the cheque and that the petitioner after receiving the notice neither paid the cheque amount nor replied to the legal notice. 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.6,50,000/-, in default, to undergo one month simple imprisonment.

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

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appeal in Crl.A.No.2 of 2022 on the file of the learned Principal District Judge, Karur. The learned Principal District Judge, 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 as well as the learned counsel appearing for the respondents would submit that the parties have entered into compromise and in pursuance of the same, the petitioner is paying a sum of Rs.2,75,000/- through demand draft and the learned counsel appearing for the respondents is consented to receive the same.

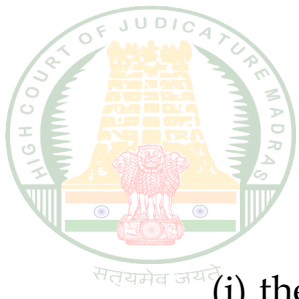
6. The learned counsel appearing for the petitioner would submit that the petitioner is in prison from 28.11.2024. He would submit that the petitioner has already agreed to pay the balance amount before 20th of April.

7. 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.

8.In the result, the Criminal Miscellaneous Petition is ordered. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following

conditions:-

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- (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 (Magisterial Level), Karur ;
- (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 she is not able to appear before the trial Court on any day, she 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.

sd/-
25/03/2025

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

das
TO

1 THE PRINCIPAL DISTRICT
JUDGE, KARUR.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT(MAGISTERIAL LEVEL), KARUR.

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3 THE SUPERINTENDENT OF PRISON,
SPECIAL PRISON FOR WOMEN, TRICHY.

4 THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT.

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-3390[I] dated
25/03/2025)

ORDER
IN
CRL MP(MD) No.4027 of 2025
IN
CRL RC(MD) No.389 of 2025
Date :25/03/2025

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Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023