



**CRL RC(MD) No.453 of 2025**

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08-04-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos.4681 and 4682 of 2025

in

CRL RC(MD) No.453 of 2025

A.Asha Samad

Petitioner in  
both the petitions

Vs

D.Rajkumar

Respondent in  
both the petitions

(in both the petitions)

For Petitioner: Mr.R.Suriya Narayanan, Advocate

Prayer in CRL MP(MD).4681 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(i) BNSS praying to suspend the sentence of imprisonment and compensation imposed by the judgment dated 24.09.2024 passed in Crl.A.No.92 of 2022 on the file of the Additional District Court (FTC), Theni by confirming the judgment dated 14.09.2021 passed in S.T.C.No.16 of 2021 made in on the file of the Fast Track Court Judicial Magistrate Level, Uthamapalayam, Theni District and enlarge the petitioner on bail, pending disposal of the criminal revision.

Prayer in CRL MP(MD).4682 of 2025 :

This Criminal Miscellaneous Petition filed under Section 528 BNSS praying to exempt the petitioner from surrender in pursuant to the judgment dated 24.09.2024 passed in Crl.A.No.92 of 2022 on the file of the Additional District Court (FTC), Theni by confirming the judgment dated 14.09.2021 passed in S.T.C.No.16 of 2021 made in on the file of the Fast Track Court Judicial Magistrate Level, Uthamapalayam, Theni District.



**CRL RC(MD) No.453 of 2025**

## COMMON ORDER

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These Criminal Miscellaneous Petitions have been filed (i) to suspend the sentence and compensation imposed on the petitioner/sole accused by the learned Judicial Magistrate, Fast Track Court, Uthamapalayam, in S.T.C.No.16 of 2021, dated 14.09.2022, which was confirmed by the learned Additional District Judge (Fast Track Court), Theni, in Crl.A.No.92 of 2022, dated 24.09.2024 and (ii) to exempt the petitioner to surrender before the trial Court.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.10,00,000/- from the respondent on 28.03.2021 and issued a post-dated cheque dated 29.04.2021 for Rs.10,00,000/-, that when the respondent has presented the cheque for collection on 29.04.2021, the same was returned with reason "kindly contact drawer / drawee bank" on 16.06.2021 and thereafter at the request of the petitioner, the respondent has again presented the cheque for collection and the same was again returned for the same said reason on 14.07.2021, that the respondent has sent legal notice twice dated 31.07.2021 and 01.09.2021 to the petitioner demanding repayment of the amount covered by the cheque and the same were received by the petitioner on 03.08.2021 and 02.09.2021 respectively, that the petitioner, after receiving the notice, has neither sent any reply nor paid any amount and that therefore, the respondent has filed a private complaint for the offence under Section



CRL RC(MD) No.453 of 2025

138 of Negotiable Instruments Act against the petitioner.

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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 six months and also directed to pay a compensation of Rs.1,00,000/-, in default, to undergo Simple Imprisonment for a period of one month. Challenging the above said conviction and sentence, the petitioner has filed an appeal in CrI.A.No.92 of 2022 on the file of the Additional District Court (FTC), Theni. Despite granting sufficient time since the petitioner has not turned up, the learned Additional District Judge 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. 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. He would further submit that the petitioner is ready to deposit some portion of the compensation amount as directed by this Court.

5. This Court has carefully considered the contentions putforth by the learned counsel appearing for the petitioner and also perused the materials available on



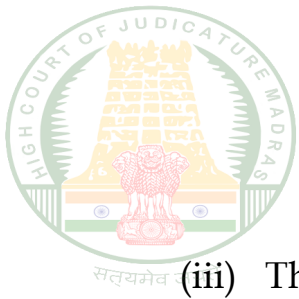
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6. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal 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.

7. In the result, the Criminal Miscellaneous Petition in Crl.M.P.(MD)No.4681 of 2025 is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall deposit 50% of the compensation amount on or before 22.04.2025 to the credit of S.T.C.No.16 of 2021 on the file of the Fast Track Court (Magisterial Level), Uthamapalayam, 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 Fast Track Court (Magisterial Level), Uthamapalayam;



CRL RC(MD) No.453 of 2025

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(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 she is not able to appear before the trial Court on any day, she shall make arrangements to file an application under Section 355 B.N.S.S. (Section 317 of Cr.P.C.) and shall appear before the trial Court on any other day in lieu of the date of her absence, as directed by the trial Court.

8. Accordingly, Crl.M.P.(MD)No.4682 of 2025 is dismissed.

9. Post the matter on 23.04.2025 'for reporting compliance'.

sd/-  
08/04/2025

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16/04/2025

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

CSM

TO

1.THE ADDITIONAL DISTRICT JUDGE (FAST TRACK COURT),  
THENI.

2. THE JUDICIAL MAGISTRATE,  
FAST TRACK COURT, UTHAMAPALAYAM.



CRL RC(MD) No.453 of 2025

3. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THENI DISTRICT.

ORDER

IN

CRL MP(MD) Nos.4681 and 4682 of 2025

in

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Date :08/04/2025

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