



CRL MP(MD) NO. 2331 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24-02-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) NO. 2331 of 2025 in

CRL RC(MD) NO. 223 of 2025

Amalorpavam

W/o Narayanaperumal, Headmistress, Govt. Primary
school, Near Thazhapuram street, Vadachery 629 001,
Nagercoil, Kanyakumari District

Petitioner

Vs

K.Mohanan

S/o Kuttanpillai, 11/11F/1 Aalan street, East side of
Medical college, Aasaripallam, Kanyakumari District.

Respondent

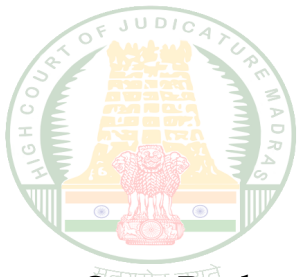
For Petitioner:

Mr.S.Karthikeyan

ORDER

The above petition has been filed seeking orders to suspend the sentence imposed on the petitioner by the Judicial Magistrate Court (FTC) (Magisterial Level) Nagercoil, in S.T.C.No.501 of 2018, dated 19.07.2018, which was confirmed by the Fast Track Mahila Court, Nagercoil, in C.A.No.112 of 2018, dated 30.01.2025.

2.The case of the complainant is that the petitioner/accused has borrowed a sum of Rs.2,00,000/- from the complainant on 05.11.2010; that the petitioner has issued a cheque, dated 05.01.2011 in favour of the complainant bearing No.344346, drawn on



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State Bank of Travancore, Parakkai Branch; that on 05.01.2011, the complainant has presented the cheque for collection, the same was returned on 05.01.2011 with reason as "In sufficient Funds", that the complainant has then sent a notice dated 01.02.2011 to the petitioner intimating the return of the cheque and demanding repayment of the amount covered by the cheque; that the petitioner after receiving the notice neither paid the cheque amount nor replied to the legal notice and that thereafter 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 six months simple imprisonment and to pay a compensation of Rs.2,00,000/-, in default, to undergo one month simple imprisonment.

4. Challenging the above said conviction and sentence, the petitioner has filed an appeal in C.A.No.112 of 2018 on the file of the Fast Track Mahila Court, Nagercoil. The learned Judge, Fast Track Mahila Court, Nagercoil, 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.



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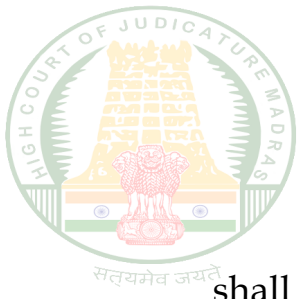
5. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

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:-

- (i) The petitioner shall deposit a sum of Rs.1,25,000/- (Rupees One lakh Twenty Five Thousand only) on or before 24.03.2025 to the credit of S.T.C.No.501 of 2018 on the file of the learned Judicial Magistrate (FTC) (Magisterial Level) Nagercoil, failing which the sentence suspended



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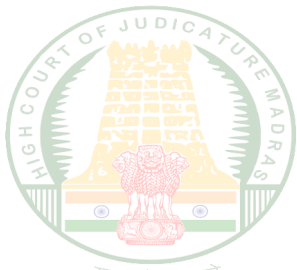
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shall automatically dismissed and the concerned jurisdictional police is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law;

(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 (FTC) (Magisterial Level) Nagercoil;

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



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9. Post the matter on 26.03.2025 'for reporting compliance'.

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

das

TO

1 THE JUDICIAL MAGISTRATE,
(FTC)(MAGISTRATE LEVEL), NAGERCOIL.

2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE JUDGE,
FAST TRACK MAHILA COURT, NAGERCOIL.

+1 CC to M/s.S.KARTHIKEYAN, Advocate (SR-1971[I] dated 24/02/2025)

ORDER

IN

CRL MP(MD) No.2331 of 2025

Date :24/02/2025

MK/VR/SAR /12.03.2025 5P/5C

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