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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07-03-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) NO. 2898 of 2025

in

Crl.RC(MD)No.684 of 2024

K.Vinoth Kumar

S/o.Kanagaraj, 9 Keelamathur Pallivasal 2nd Street,
Kamarajar Salai, Madurai - 625009.

Petitioner(s)

Vs

B.Rameshbabu

S/o T.Balasubramaniam, 7 Muthiah Pillai Street,
Chinnakadai Street, South Gate, Madurai 625 001.

Respondent(s)

For Petitioner(s):

Mr.A. Jeyaram

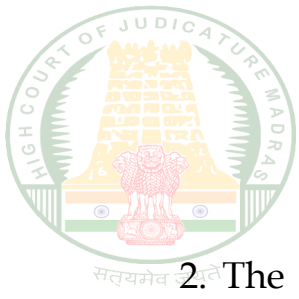
For Respondent(s):

Dr.Alagumani

ORDER

The above petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate No.I, (FTC), Madurai, in S.TC. No.68 of 2017, dated 16.08.2022, which was confirmed by the learned VI Additional District and Sessions Judge, Madurai, in C.A.No.57 of 2022, dated 15.04.2024.

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2. The case of the complainant is that the petitioner/accused has borrowed a sum of Rs.8,00,000/- from the complainant on 10.09.2016 for his business development and agreed to repay the said amount within two months along with interest of Rs.2/- per Rs.100/-; that the petitioner has issued a cheque dated 10.11.2016 in favour of the

complainant drawn at City Unionr Bank, NA Branch; that the petitioner has not paid the amount as promised by him and that therefore, the complainant has presented the cheque for collection, the same was returned with reason as “insufficient funds”; that the complainant has sent a legal notice, dated 14.02.2016 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.8,00,000/- within two months, in default, to undergo two months simple imprisonment.

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



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an appeal in C.A.No.57 of 2022 on the file of the learned VI Additional District and Sessions Court, Madurai. The learned Sessions 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. It is seen from the records the petitioner's earlier petition for suspension of sentence was ordered by this Court on 18.07.2024 and due to non compliance of the order of this Court, the same was dismissed vide order, dated 02.08.2024.

6. When the matter was taken up on 06.03.2025, the learned counsel for the petitioner as well as the learned counsel for the respondent submitted that the parties have entered into settlement and that the petitioner is ready to pay a sum of Rs.5,00,000/- tomorrow (07.03.2025) and the remaining amount of Rs.1,80,000/- on or before 21.04.2025 and sought time for filing affidavit. When the matter is taken up for hearing today, the learned counsel for the petitioner has filed an affidavit to that effect and would submit that the petitioner has paid a sum of Rs.5,00,000/- today (ie., 07.03.2025) and the same has been received by the learned counsel for the respondent.

7. The learned counsel appearing for the petitioner would further submit that the petitioner is in prison and that there are several infirmities in the prosecution case



and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

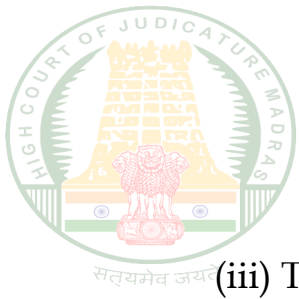
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8.This Court has carefully considered the contentions put forward by the learned counsel appearing for the petitioner and also perused the materials available on record.

9.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.

10. 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 No.I, FTC, Madurai,
- (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



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(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 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.

11. After coming out on bail, the petitioner is directed to deposit the remaining amount of Rs.1,80,000/- on or before 21.04.2025 to the credit of S.T.C.No.68 of 2017 on the file of the learned Judicial Magistrate No.I, FTC, Madurai,

12. Post the matter on 22.04.2025 'for reporting compliance'.

sd/-
07/03/2025

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07/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

das
TO

1 THE JUDICIAL MAGISTRATE NO.I
(FTC) MADURAI.

<https://www.mhc.m.gov.in/judis>



2 THE VI ADDITIONAL DISTRICT
SESSIONS JUDGE, MADURAI.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

+1 CC to M/s.A.JEYARAM, Advocate (SR-2521[I] dated 07/03/2025)

ORDER
IN
CRL MP(MD) No.2898 of 2025
IN
CRL RC(MD) No.684 of 2024
Date :07/03/2025

NBF/SAR/ (07/03/2025) 6P/6C

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