



CRL MP(MD) No. 3093 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10-03-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No. 3093 of 2025

in CRL RC(MD) No. 304 of 2025

Baskaran

S/o. Ponnurangam, Assistant Engineer Tamil Nadu
Electricity Board, Kondalampatty, Sale-636010. Salem
District.

Petitioner(s)

Vs

Davis Sekar

S/o. Richird, Plot No. 78, Sir Sudharsan Nagar, Medical
College Road, Tamil University Post, Thanjavur District.

Respondent(s)

For Petitioner(s):

Mr. Appaji. C.K.M

ORDER

The above petition has been filed to suspend the sentence imposed on the petitioner by the Judicial Magistrate (FTC at Magisterial Level) Thanjavur, in S.T.C.No.18 of 2022, dated 21.02.2024, which was confirmed by the learned Principal Sessions Judge, Thanjavur, in C.A.No.70 of 2024, dated 30.01.2025.

2. The case of the complainant is that on 13.03.2021, the petitioner/accused borrowed a sum of Rs.7,20,000/- from the complainant for his family expenses and agreed to repay the said amount with interest at 12% per annum, that the petitioner has issued



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a cheque, dated 03.10.2021 in favour of the complainant bearing No.175709, drawn on Indian Bank, Salem Main Branch, towards discharge the borrowal amount and assured the complainant to pay the interest after one month; that on 06.10.2021, the complainant has presented the cheque for collection, the same was returned on 07.10.2021 with reason as

“Funds Insufficient”; that the complainant has sent a legal notice, dated 13.10.2021 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.7,20,000/-, in default, to undergo two months simple imprisonment.

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



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appeal in Crl.A.No.70 of 2024 on the file of the Principal Sessions Court, Thanjavur.

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The learned Principal Sessions Judge, Thanajvur, 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 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.



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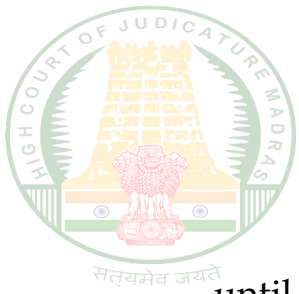
8. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall deposit 60% of the compensation amount on or before 15.04.2025 to the credit of S.T.C.No.18 of 2022 on the file of the Judicial Magistrate (FTC at Magisterial Level), Thanajvur 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 learned Judicial Magistrate (FTC at Magisterial Level), Thanajvur;

(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.,



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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.

9. Post the matter on 16.04.2025 'for reporting compliance'.

sd/-
10/03/2025

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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 SESSIONS JUDGE,
THANJAVUR.
- 2 THE JUDICIAL MAGISTRATE
(FAST TRACK COURT AT MAGISTERIAL LEVEL),
THANJAVUR
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.



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ORDER

IN

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in CRL RC(MD) No. 304 of 2025

Date :10/03/2025

SS/VR/SAR- /27/03/2025/ 6P/4C

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