



CRL MP(MD) NO. 8088 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 10.07.2025

CORAM
THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 8088 of 2025
IN
CRL RC(MD) NO. 745 of 2025

S.Nagaraj

... Petitioner

Vs.

S.Harun

... Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section 377(1) of Cr.P.C., (U/s. 438(i) of BNSS) to Suspend the Sentence imposed in S.T.C.No.16 of 2021 dated 06.10.2021 on the file of the learned Judicial Magistrate (FTC Magisterial Level) Theni, as confirmed by the judgment dated 27.09.2024 made in Crl.A.No.78 of 2021 on the file of the learned Additional District (FTC) Court, Theni.

For Petitioner : Mr.H.Velvadhas

For Respondent : Mr.B.Fazilkirmani

ORDER

This Criminal Miscellaneous Petition has been filed to Suspend the Sentence



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imposed in S.T.C.No.16 of 2021 dated 06.10.2021 on the file of the learned Judicial
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Magistrate (FTC Magisterial Level) Theni, as confirmed by the judgment dated
27.09.2024 made in CrI.A.No.78 of 2021 on the file of the learned Additional District
(FTC) Court, Theni.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the learned Trial Court on 06.10.2021 for the offence under Section 138 and 142 of NI Act, and the learned Trial Court sentenced him to undergo simple imprisonment for a period of one year and pay a compensation of Rs.5,00,000/- (Rupees Five Lakhs only), in default to undergo simple imprisonment for a period of four months under Section 357(3) of Cr.P.C., in S.T.C.No.16 of 2021 on the file of the learned Judicial Magistrate (FTC Magisterial Level) Theni.

3. The learned Additional District (FTC) Court, Theni, confirmed the conviction, and confirmed the sentence and dismissed the Criminal Appeal No.78 of 2021, dated 27.09.2024. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.

4. The learned counsel for the petitioner submitted that there are several



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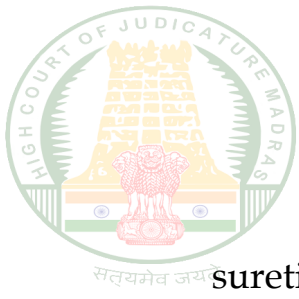
infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses. Further, he submitted that the petitioner has already deposited 30% of the compensation amount (i.e., Rs.1,50,000/- [Rupees One Lakh Thirty Thousand only]) to show his bonafide.

5. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case, and also there are 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, and also considering the bonafide expressed by the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two



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sureties, each for a like sum to the satisfaction of the learned
Judicial Magistrate (FTC Magisterial Level) Theni;

(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 learned Judicial
Magistrate (FTC Magisterial Level) Theni, on all working days at
10.30 a.m., until further orders.

(iv) The learned Judicial Magistrate (FTC Magisterial Level)
Theni; shall re-deposit the said sum in a Nationalised Bank, so that,
the amount accrues interest and the same can be disbursed
depending upon the outcome of the Criminal Revision Case in
Crl.R.C.(MD)No.745 of 2025.

sd/-
10/07/2025

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/07/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Sml



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To **मेव जयते**

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1. The Judicial Magistrate
(FTC Magisterial Level) Theni.
2. Do Through The Chief Judicial Magistrate,
Theni.
3. The Additional District Judge (FTC),
Theni.

Copy To

The Section Officer,
Criminal Record Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL MP(MD) No.8088 of 2025
IN
CRL RC(MD) No.745 of 2025
Date :10/07/2025

HPS/15.07.2025 /5P/5C

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