



CRL MP(MD) No. 3660 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19-03-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos.3660 and 3661 of 2025

in

CRL RC(MD) No. 352 of 2025

Vanitharani

W/o.Velmurugan, Rajaguru Apartment,
4th Floor, Ottapalam, Paramakudi Town,
Ramanathapuram District.

Petitioner

Vs

Nagarajan

S/o.Mariyappan, D No.12/338 -x23
South Pallivasal Street, Thiruvalluvar Nagar,
Paramakudi Town, Ramanathapuram District.

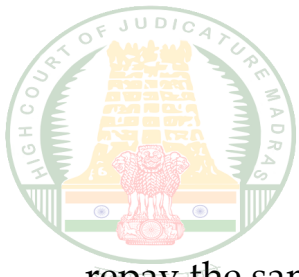
Respondent

For Petitioner(s): Mr.S.Srikanth

ORDER

The above petition has been filed to suspend the sentence imposed on the petitioner by the Judicial Magistrate, Paramakudi, Ramanathapuram in S.T.C.No.1020 of 2021, dated 13.02.2024, which was confirmed by the learned District Principal Sessions Judge, Ramanathapuram, in C.A.No.18 of 2024, dated 29.08.2025.

2.The case of the complainant is that the petitioner/accused has purchased 10½ of sovereigns of gold jewels from the complainant by paying part amount and a sum of Rs.3,00,000/- is due to the complainant by the petitioner. While the complainant demanding the remaining amount on several times, the petitioner was evading to



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repay the same. Thereafter, the petitioner has issued a cheque on 06.10.2021 in favour of the complainant bearing No.00011, drawn on Indian Overseas Bank, Paramakudi; the complainant has presented the cheque for collection on 07.10.2021, the same was returned with reason as "Insufficient Funds"; that the complainant has sent a legal notice, dated 20.10.2017 to the petitioner demanding repayment of the amount covered by the cheque and that the petitioner after receiving the notice on 22.10.2021, 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.3,00,000/-.

4.Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.18 of 2024 on the file of the Principal Sessions Court, Ramanathapuram. The learned Principal Sessions Judge, Ramanathapuram, 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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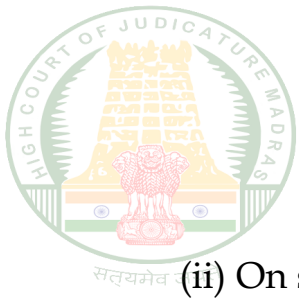
5. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

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 75% of the compensation amount on or before 21.04.2025 to the credit of S.T.C.No.1020 of 2021 on the file of the Judicial Magistrate, Paramakudi, 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;



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(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, Paramakudi;

(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. Consequently, Crl.M.P(MD)No.3661 of 2025.

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

sd/-
19/03/2025

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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



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1 THE DISTRICT PRINCIPAL SESSIONS JUDGE, RAMANATHAPURAM.

2 THE JUDICIAL MAGISTRATE, PARAMAKUDI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.

+1 CC to M/s.B.RAMAMOORTHY, Advocate (SR-3182[I] dated 20/03/2025)

ORDER

IN

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in

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Date :19/03/2025

RS/GSV/SAR-(25.03.2025) 5P 5C

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