



CRL MP(MD) No. 3784 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21-03-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No. 3784 of 2025
in CRL RC(MD) No. 364 of 2025

K. Balasubramani

S/o Late. Karupana Gounder, Door No. 60/B, Kurinji Nagar,
New Ayakudi, Palani Taluk, Dindigul District.

Petitioner

Vs

K. Baskaran

S/o Late Krishnasamy Naidu, Door No. 388, V.G Rao Nagar,
Thirunagar Post, Sivagiripatti, Palani Taluk, Dindigul
District.

Respondent

For Petitioner :

Mr.D.Venkatesh

ORDER

The above petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate(Fast Track Court at Magisterial Level), Palani, in C.C No.248 of 2018, dated 26.04.2023, which was confirmed by the learned Additional District Court (FTC) Palani, in C.A.No.89 of 2023, dated 06.01.2025.

2. The case of the complainant is that the petitioner/accused has borrowed a sum of Rs.6,00,000/- from the complainant on 25.07.2018 in order to meet the emergency expenses and agreed to repay the said amount within one month; that the



CRL MP(MD) No. 3784 of 2025

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petitioner has issued a post dated cheque No.064661, dated 28.08.2018, in favour of the complainant drawn at Canara Bank, Palani Branch; that the petitioner has not paid the amount as promised by him and that therefore, the complainant has presented the cheque for collection on 05.09.2018, the same was returned on 10.09.2018 with reason as "Funds Insufficient"; that the complainant has sent a legal notice, dated 14.09.2018 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 six months simple imprisonment and to pay a compensation of Rs.7,00,000/- within two months, in default, to undergo two months simple imprisonment.

4.Challenging the above said conviction and sentence, the petitioner has filed an appeal in C.A.No.89 of 2023 on the file of the learned Additional District Judge (FTC) Palani. The learned Additional District 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



CRL MP(MD) No. 3784 of 2025

miscellaneous petition seeking suspension of sentence.

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5.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. He would further submit that the petitioner has already deposited a sum of Rs.1,70,000/- before the Court below and he is ready to deposit some portion of the remaining amount.

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 and bail is granted to the petitioner on the following conditions:-

(i) The petitioner shall deposit 50% of the remaining compensation



CRL MP(MD) No. 3784 of 2025

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amount on or before 21.04.2025 to the credit of C.C.No.248 of 2018 on the file of the Judicial Magistrate (Fast Track Court at Magisterial Level) Palani, 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) Palani;

(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.



CRL MP(MD) No. 3784 of 2025

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

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sd/-
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21/03/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS
TO
1 THE ADDITIONAL DISTRICT JUDGE, (FAST TRACK COURT),
PALANI.

2 THE JUDICIAL MAGISTRATE,
(FAST TRACK COURT AT MAGISTERIAL LEVEL), PALANI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

ORDER
IN
CRL MP(MD) No.3784 of 2025
IN
CRL RC(MD) No.364 of 2025
Date :21/03/2025

SA/SAR. /21.03.2025/5P/5C

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