



in CRL RC(MD) No.374 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) Nos. 3850 and 3852 of 2025

in CRL RC(MD) No.374 of 2025

R.Radhakrishnan

S/o.Rengasamy, D No.6/2 Pillayar Koil Street, Ayyampatti,
Srivilliputhur, Virudhunagar District.

Petitioner(s)

Vs

Baby

W/o.Varatharajan, D No.28 Naidu Pillayar Koil Street,
Ayyampatti, Srivilliputhur, Virudhunagar District.

Respondent(s)

For Petitioner(s):

Mr.N. Mohideen Basha

ORDER

The above petition has been filed to suspend the sentence imposed on the petitioner by the Fast Track Court, Judicial Magistrate, Srivilliputhur in S.T.C.No.1211 of 2022, dated 21.03.2023, which was confirmed by the learned Principal District and Sessions Judge, Virudhunagar at Srivilliputhur in Crl.A.No.53 of 2023, dated 03.02.2025.

2. The case of the complainant is that the petitioner/accused borrowed a sum of Rs.4,60,000/- from the complainant on 15.06.2022 for his business development ; that the petitioner has issued a cheque bearing No.692053, dated 18.07.2022 drawn on State Bank of India, Srivilliputhur Branch in favour of the complainant, towards



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discharge the borrowal amount; that the complainant has presented the cheque for collection, the same was returned on 11.09.2018 with reason as "Funds Insufficient "; that the complainant has sent a legal notice, dated 26.07.2022 to the petitioner demanding repayment of the amount covered by the cheque and that the petitioner after receiving the notice on 28.07.2022, 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 1 year simple imprisonment and to pay a compensation of Rs.4,60,000/-, in default, to undergo three months simple imprisonment.

4. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.53 of 2023 on the file of the learned Principal District and Sessions Judge, Virudhunagar at Srivilliputhur. 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.



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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 60% of the compensation amount on or before 21.04.2025 to the credit of S.T.C.No.1211 of 2022 on the file of the Fast Track Court, Judicial Magistrate, Srivilliputhur, failing which the



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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 Fast Track Court, Judicial Magistrate, Srivilliputhur ;

(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.MP(MD)No.3852 of 2025, is dismissed.



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

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

DAS
TO

- 1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, VIRUDHUNAGAR AT
SRIVILLIPUTHUR.
- 2 THE FAST TRACK JUDICIAL MAGISTRATE,
SRIVILLIPUTHUR.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

+1 CC to M/s.N.MOHIDEEN BASHA, Advocate (SR-3371[I] dated 25/03/2025)

ORDER
IN

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in CRL RC(MD) No.374 of 2025
Date :21/03/2025

SS/VR/SAR- /27/03/2025/ 5P/5C

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