



CRL RC(MD) No.378 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24-03-2025

CORAM  
THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos.3882 and 3883 of 2025

in

CRL RC(MD) No.378 of 2025

S.SenthilSelvi

Petitioner in  
both the petitions

Vs

R.Jeya Kumar

Respondent in  
both the petitions

For Petitioner in both the petitions:  
Mr.D.Venkatesh, Advocate

Prayer in CRL MP(MD).3882 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(1) r/w 483 BNSS praying to enlarge the petitioner on bail by suspending the sentence imposed in Crl.A.No.136 of 2023 by the Additional District Court (Fast Track Court), Palani dated 19.02.2025 confirming the judgment of conviction and sentence made in S.T.C.No.10 of 2022 by the Judicial Magistrate (Fast Track Court at Magisterial Level), Palani dated 30.10.2023.



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Prayer in CRL MP(MD).3883 of 2025 :

WEB COPY This Criminal Miscellaneous Petition filed under Section 528 BNSS praying to exempt the petitioner from undergoing the sentence imposed in Crl.A.No.136 of 2023 by the Additional District Court (Fast Track Court), Palani dated 19.02.2025 confirming the judgment of conviction and sentence made in S.T.C.No.10 of 2022 by the Judicial Magistrate (Fast Track Court at Magisterial Level), Palani dated 30.10.2023 pending disposal of the above criminal revision case.

### COMMON ORDER

These Criminal Miscellaneous Petitions have been filed (i) to suspend the sentence and compensation imposed on the petitioner/sole accused by the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Palani, in S.T.C.No.10 of 2022, dated 30.10.2023, which was confirmed by the learned Additional District Judge (Fast Track Court), Palani, in Crl.A.No.136 of 2023, dated 19.02.2025 and (ii) to exempt the petitioner to surrender before the trial Court.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.7,75,000/- from the respondent on 05.12.2021 agreeing to repay the same within one month and issued a post-dated cheque dated 05.01.2022 for Rs.7,75,000/-, that when the respondent has presented the cheque for collection on 07.01.2022, the same was returned with reason "Funds Insufficient", that the respondent has then sent a legal notice dated 08.03.2021 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the



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petitioner on 09.02.2022, that the petitioner, after receiving the notice, has neither sent any reply nor paid any amount and that therefore, the respondent has filed a private complaint for the offence under Section 138 of Negotiable Instruments Act against the petitioner.

3. It is seen from the records that the petitioner has been convicted by the trial Court for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of 10 months and also directed to pay a compensation of Rs.8,75,000/-, in default, to undergo Simple Imprisonment for a period of 2 months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.136 of 2023 on the file of the Additional District (Fast Track) Court, Palani. The learned Additional District Judge confirmed the conviction and sentence and dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petitions.

4. 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. He would further submit that the petitioner is ready to deposit some portion of the



compensation amount as directed by this Court.

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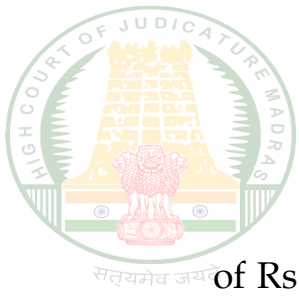
5. This Court has carefully considered the contentions put forward by the learned counsel appearing for the petitioner and also perused the materials available on record.

6. 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.

7. In the result, the Criminal Miscellaneous Petition in CrI.M.P.(MD)No.3882 of 2025 is ordered. 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 22.04.2025 to the credit of S.T.C.No.10 of 2022 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



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of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, (Fast Track Court 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 355 B.N.S.S. (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.

8. Accordingly, Crl.M.P.(MD)No.3883 of 2025 is dismissed.

9. Post the matter on 23.04.2025 'for reporting compliance'.

sd/-  
24/03/2025

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/03/2025  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

CSM



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TO मेव जयते

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1 THE JUDGE, ADDITIONAL DISTRICT COURT(FAST TRACK COURT), PALANI.  
2 THE JUDICIAL MAGISTRATE,  
(FAST TRACK COURT AT MAGISTERIAL LEVEL),  
PALANI.

3 THE CHIEF JUDICIAL MAGISTRATE  
DINDIGUL DISTRICT.

+1 cc to MR.D.VENKATESH, ADVOCATE, SR NO: 3400 Date :25/03/2025

ORDER

IN

CRL MP(MD) Nos.3882 and 3883 of 2025

in

CRL RC(MD) No.378 of 2025

Date :24/03/2025

MK/SAR /28.03.2025 6P/5C

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