



CRL MP(MD) No.7972 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2025

CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.7972 of 2025

in

CRL RC(MD) No.740 of 2025

A.M.Anwarsha

... Petitioner

Vs

J.Durairaj

... Respondent

For Petitioner: Mr.J.Barathan, Advocate

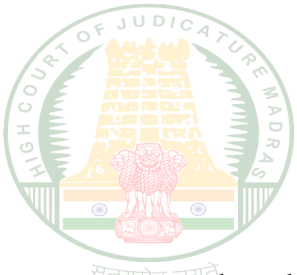
Prayer in CRL MP(MD).7972 of 2025 :

This Criminal Miscellaneous Petition filed under Section 432 of B.N.S.S. praying to suspend the conviction and sentence imposed on the petitioner / accused by order dated 13.03.2024 passed in the Summary Trial case in STC No.157 of 2020 on the file of the District Munsif cum Judicial Magistrate Court, Radhapuram confirmed by order, dated 10.01.2025 passed in the Criminal Appeal in C.A.No.37 of 2024 on the file of the III Additional District and Sessions Court, Tirunelveli pending disposal of the criminal revision case.

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed on the petitioner / accused by order dated 13.03.2024 passed in the Summary Trial case in STC No.157 of 2020 on the file of the District Munsif

<https://www.mhc.tn.gov.in/judis>



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cum Judicial Magistrate Court, Radhapuram confirmed by order, dated 10.01.2025 passed in the Criminal Appeal in C.A.No.37 of 2024 on the file of the III Additional District and Sessions Court, Tirunelveli pending disposal of the criminal revision case.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.6,00,000/- from the respondent on 05.06.2019 agreeing to pay the same within 20 days and had given cheque, dated 01.07.2019 bearing number 890014 for an amount of Rs.6,00,000/-. When the respondent has presented the cheque for collection on 01.07.2019, the same was returned with reason "Insufficient funds" on 02.07.2019, that the respondent has sent legal notice on 04.07.2019 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 06.07.2019, that the petitioner has given a reply notice on 16.07.2019 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 in S.T.C.No.157 of 2020 for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of one year and also directed to pay a compensation of Rs.6,00,000/- within a period of one month from the date of order, in default, to undergo Simple



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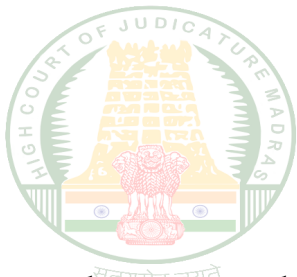
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Imprisonment for a period of 2 months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.37 of 2024 on the file of the learned III Additional District and Sessions Court, Tirunelveli and the learned III Additional District and Sessions Court, Tirunelveli has modified the judgment in respect of one year Simple Imprisonment into 6 months Simple Imprisonment and the other portion of the judgment was confirmed and partly allowed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petition seeking suspension of sentence.

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.

5. This Court has carefully considered the contentions putforth 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



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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 is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) 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 III Additional District and Sessions Court, Tirunelveli ;

(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 trial Court on all working days 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.)



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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.

sd/-
25/06/2025

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/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

- 1.The III Additional District and Sessions Judge,
Tirunelveli.
- 2.The District Munsif cum Judicial Magistrate,
Radhapuram.
- 3.Do through the Chief Judicial Magistrate,
Tirunelveli District.

ORDER
IN
CRL MP(MD) No.7972 of 2025
IN
CRL RC(MD) No.740 of 2025
Date :25/06/2025

MK/26.06.2025 5P/4C

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