



CRL MP(MD) No.4033 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26-03-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.4033 of 2025

in

CRL RC(MD) No.390 of 2025

Manickam

Petitioner

Vs

Selvam

Respondent

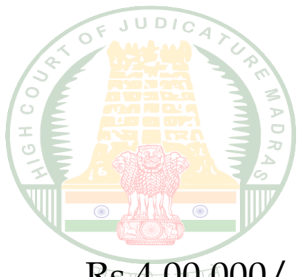
For Petitioner: Mr.C.Susi Kumar, Advocate

This Criminal Miscellaneous Petition filed under Section 438(1) BNSS praying to suspend the sentence imposed on the petitioner in C.A.No.178 of 2024 dated 31.01.2025 on the file of the Additional District and Sessions Judge (FTC), Kumbakonam confirming the conviction in S.T.C.No.368 of 2021 dated 14.08.2024 on the file of the learned District Munsif cum Judicial Magistrate Court, Papanasam and enlarge the petitioner on bail pending disposal of this criminal revision petition.

ORDER

The Criminal Miscellaneous Petition has been filed to suspend the sentence and compensation imposed on the petitioner/sole accused by the learned District Munsif cum Judicial Magistrate, Papanasam, in S.T.C.No.368 of 2021, dated 14.08.2024, which was confirmed by the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, in Crl.A.No.178 of 2024, dated 31.01.2025.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.4,00,000/- from the respondent on 21.05.2020, that after repeated demand made by the respondent, the petitioner issued a post-dated cheque on 02.08.2021 for



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Rs.4,00,000/-, that when the respondent has presented the cheque for collection on 31.08.2021, the same was returned with reason "Funds Insufficient", that the respondent has then sent a legal notice dated 04.09.2021 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 07.09.2021, 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 1 year and to pay a fine of Rs.5,000/-, in default, to undergo Simple Imprisonment for a period of 1 month and the trial Court has also directed the petitioner to pay compensation of Rs.2,75,000/-. Challenging the above said conviction and sentence, the petitioner has filed an appeal in CrI.A.No.178 of 2024 on the file of the Additional District and Sessions Court (Fast Track), Kumbakonam. The learned Additional District and Sessions 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 petition seeking



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suspension of sentence.

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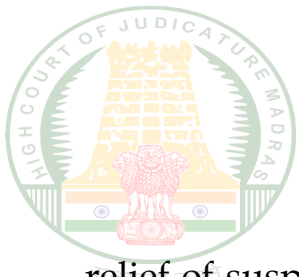
4. The learned counsel appearing for the petitioner would submit that the petitioner is in prison and that the petitioner has already deposited 20% of the compensation amount before the appellate Court. He would further submit that the petitioner is ready to deposit some portion of the remaining compensation amount as directed by this Court.

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. In the result, the Criminal Miscellaneous Petition is ordered. Accordingly, the



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relief of suspension of sentence and bail is granted to the petitioner on the following
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conditions:-

(i) The petitioner shall deposit 50% of the remaining compensation amount on or before 24.04.2025 to the credit of S.T.C.No.368 of 2021 on the file of the District Munsif cum Judicial Magistrate, Papanasam, failing which the sentence suspended shall automatically dismissed;

(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 District Munsif cum Judicial Magistrate, Papanasam;

(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.



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9. Post the matter on 25.04.2025 'for reporting compliance'.

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sd/-
26/03/2025

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26/03/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FTC), KUMBAKONAM.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PAPANASAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

ORDER

IN

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IN

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Date :26/03/2025

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