



CRL MP(MD) No. 4284 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01-04-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No. 4284 of 2025
in CRL RC(MD) No. 423 of 2025

Murugan

Petitioner

Vs

K.P.Sridar

Respondent

Prayer in CRL MP(MD) No. 4284 of 2025 : Criminal Miscellaneous Petition filed under Section 438(1) of BNSS., seeking orders to suspend the sentence passed in C.C.No.358 of 2017, dated 10.01.2023 on the file of the learned Judicial Magistrate/Fast Track Court, Karur, confirmed by the learned Principal District and Sessions Judge at Karur in C.A.No.21 of 2023, dated 30.08.2024.

Prayer in CRL RC(MD) No. 423 of 2025 : Criminal Revision Petition filed under Sections 438 r/w 442 BNSS, to call for the records relating to the judgment passed in C.A.No.21 of 2023, dated 30.08.2024 on the file of the Principal District and Sessions Judge, Karur, confirming the judgment made in C.C.No.358 of 2017, dated 10.01.2023 on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Karur and set aside the same.

For Petitioner :

Ms.S.Mahalakshmi

ORDER

The above petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate/Fast Track Court, Karur, in C.C.No.358 of 2017, dated 10.01.2023, which was confirmed by the learned Principal District and



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Sessions Judge, Karur in Crl.A.No.21 of 2023, dated 30.08.2024.

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2. The case of the complainant is that on 17.07.2016, the petitioner/accused borrowed a sum of Rs.5,00,000/- from the complainant for his urgent needs and family expenses and agreed to repay the amount with interest Rs.0.05/- paise per day; that the petitioner has issued a post dated cheque bearing No.971761, dated 23.12.2016 in favour of the complainant drawn at Indian Bank, Trichy Ordnance Estate Branch, towards discharge the borrowal amount; that on the same day, the complainant has presented the cheque for collection, the same was returned on 28.12.2016 with reason as "Funds Insufficient"; that the complainant issued a statutory notice, dated 05.01.2017 to the petitioner demanding repayment of the amount covered by the cheque and that the complainant again sent the notice to the petitioner on 10.01.2017; that the petitioner after receiving the notice on 12.01.2017, neither paid the cheque amount nor replied to the legal notice and that therefore, 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.5,00,000/-, in default, to undergo one



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month simple imprisonment.

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4. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.21 of 2023 on the file of the learned Principal District and Sessions Judge at Karur. The learned Principal District and Sessions Judge at Karur, 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.

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. He would further submit that the petitioner has already deposited a sum of Rs.1,25,000/- 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



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in the near future and as such, this Court is of the considered view that the petitioner
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herein is entitled to the relief of grant of suspension of sentence.

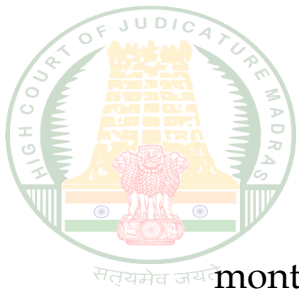
8. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall deposit 50% of the remaining compensation amount on or before 28.04.2025 to the credit of C.C.No.358 of 2017 on the file of the learned Judicial Magistrate/Fast Track Court, Karur, 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/Fast Track Court, Karur;

(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



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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.

9. Post the matter on 29.04.2025 'for reporting compliance'.

sd/-

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/04/2025

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,
KARUR.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, KARUR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

+1 CC to M/s.S.MAHALAKSHMI, Advocate (SR-3755[I] dated 02/04/2025)



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ORDER
IN
CRL MP(MD) No.4284 of 2025
IN
CRL RC(MD) No.423 of 2025
Date :01/04/2025

SA/SAR. /04.04.2025/6P/5C

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