



in CRL RC(MD) No. 450 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09-04-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos. 4655 and 4656 of 2025

in CRL RC(MD) No. 450 of 2025

A.Rajan

Petitioner

Vs

Solor Colours, through one of its Partner,

M.Ramasubramanian,

Respondent

Prayer in CRL MP(MD) No. 4506 of 2025 : Criminal Miscellaneous Petition filed under Section 430(1) of BNSS., seeking orders to suspend the sentence imposed on the petitioner vide judgment, dated 11.08.2022 passed by the learned Judicial Magistrate No.I, Sivakasi, in C.C.No.163 of 2018, which was confirmed by the Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in C.A.No.95 of 2022, dated 06.02.2025.

Prayer in CRL RC(MD) No. 450 of 2025 : Criminal Revision Petition filed under Sections 438 r/w 442 BNSS, to call for the records and set aside the order of conviction and imposition of compensation as against the petitioner in C.C.No.163 of 2018 on the file of the learned Judicial Magistrate No.I, Sivakasi, dated 11.08.2022, confirming the said order passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in C.A.No.95 of 2022, dated 06.02.2025.

For Petitioner : Mr.M.Jagadeesh Pandian



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ORDER

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This matter is listed today under the caption 'for clarification'.

2.The above petition has been filed to suspend the sentence imposed on the petitioner by the learned learned Judicial Magistrate No.I, Sivakasi, in C.C.No.163 of 2018, dated 11.08.2022, which was confirmed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in C.A.No.95 of 2022, dated 06.02.2025.

3.The case of the complainant is that the complainant is a partner of M/s.Solar Colors dealing with 'pigments' used in offset printing and the accused is having printing concern by name M/s.Golden Litho Works; that the petitioner/accused purchased pigments from the complainant under credit basis and the accused had to pay Rs.7,12,940/- to the complainant; that the petitioner has issued two post dated cheques bearing No.409348, dated 26.01.2018 and another bearing No.409349, dated 05.01.2018 for Rs.50,000/- each drawn on Axis Bank Ltd., Sivakasi Branch in favour of the complainant; that the complainant has presented the cheques for collection, the same were returned on 19.02.2018 with reason as “ insufficient funds ”; that the complainant has sent a legal notice, dated 10.03.2018 to the petitioner demanding repayment of the amount covered by the cheques and that the petitioner



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after receiving the notice on 12.03.2018, 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.

4.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 one year simple imprisonment and to pay a compensation of Rs.2,00,000/-, in default, to undergo two months simple imprisonment.

5.Challenging the above said conviction and sentence, the petitioner has filed an appeal in CrI.A.No.95 of 2022 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur. 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.

6.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.40,000/- before



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the Court below and he is ready to deposit the remaining amount.

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7. 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.

8. 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.

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

- (i) The petitioner shall deposit Rs.1,00,000/- (Rupees One Lakh only) on or before 02.06.2025 to the credit of C.C.No.163 of 2018 on the file of the learned Judicial Magistrate No.I, Sivakasi, failing which the sentence suspended shall automatically be dismissed and the concerned



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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 No.I, Sivakasi,

(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 of BNSS (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.4656 of 2025, is dismissed.



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10. Post the matter on 03.06.2025 'for reporting compliance'.

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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,
Virudhunagar District at Srivilliputtur.

2 THE JUDICIAL MAGISTRATE NO.I,
SIVAKASI.

3 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

ORDER
IN
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in CRL RC(MD) No. 450 of 2025
Date :09/04/2025

MK/SAR /17.04.2025 6P/4C

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