



CRL MP(MD) No.7513 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2025

CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.7513 of 2025

in

CRL RC(MD) No.683 of 2025

Karuppiah @ Senthil

... Petitioner

Vs

Vedha Narayanan

... Respondent

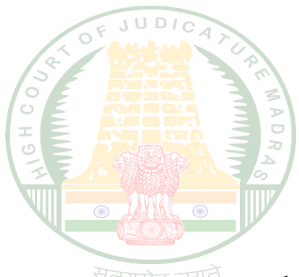
For Petitioner: Mr.A.Mohan, Advocate

Prayer in CRL MP(MD).7513 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the sentence of imprisonment and conviction 24.06.2024 made in Crl.A.No. 14 of 2023 on the file of the Additional District and Sessions Judge, Pudukottai confirming the judgment and conviction dated 06.01.2023 made in S.T.C.No.811/17 passed by the learned Judicial Magistrate No.I, Pudukkottai pending disposal of the criminal revision case.

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment and conviction 24.06.2024 made in Crl.A.No. 14 of 2023 on the file of the Additional District and Sessions Judge, Pudukottai confirming the judgment and



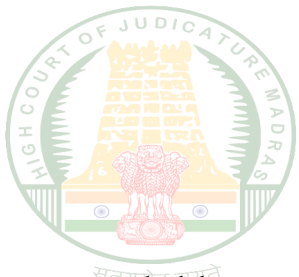
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conviction dated 06.01.2023 made in S.T.C.No.811/17 passed by the learned Judicial
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Magistrate No.I, Pudukkottai pending disposal of the criminal revision case.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.1,75,000/- from the respondent on 24.06.2016 agreeing to repay the same within one month and had given cheque bearing number.212494 issued for an amount of Rs.1,75,000/-. When the respondent has presented the cheque for collection on 25.07.2017, the same was returned with reason "Insufficient funds" on 26.07.2017, that the respondent has sent legal notice on 07.08.2017 to the petitioner demanding repayment of the amount covered by the cheque. Despite receiving the same, the petitioner neither sent reply notice nor repaid the 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 in S.T.C.No.811 of 2017 for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of 6 months and also directed to pay a compensation of Rs.1,75,000/-. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.14 of 2023 on the file of the Additional District and Sessions Court, Pudukkottai and the learned Additional District and Sessions Court,



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Pudukkottai, by confirming the conviction and sentence, dismissed the appeal.

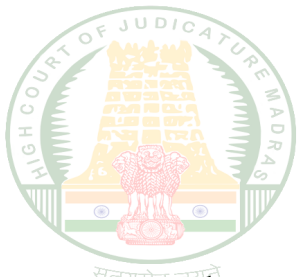
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Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petition seeking suspension of sentence.

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. He would further submit that the petitioner has already deposited 20% of the compensation amount i.e., Rs.35,000/- to the credit of S.T.C.No.811 of 2017 on the file of the Judicial Magistrate No.I, Pudukkottai on 09.02.2023 and 60% of the remaining compensation amount i.e., Rs.84,000/-has been deposited to the credit of S.T.C.No.811 of 2017 on the file of the Judicial Magistrate No.I, Pudukkottai on 17.04.2025 as per the order of this Court and counter foil in this regard have also been produced.

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



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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 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 Additional District and Sessions Judge, Pudukottai;

(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 daily 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



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appear before the trial Court on any other day in lieu of the date of his
absence, as directed by the trial Court.

sd/-
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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 Additional District and Sessions Judge,
Pudukottai.
2.The Judicial Magistrate No.I,
Pudukkottai.
3.Do through the Chief Judicial Magistrate,
Pudukkottai District.

ORDER
IN
CRL MP(MD) No.7513 of 2025
in
CRL RC(MD) No.683 of 2025
Date :23/06/2025

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