



CRL RC(MD) No.537 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28-04-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos.5772 and 5774 of 2025
in

CRL RC(MD) No.537 of 2025

Sasikala

Petitioner in
both the petitions

Vs

N.Chandrababu

Respondent in
both the petitions

(in both the petitions)

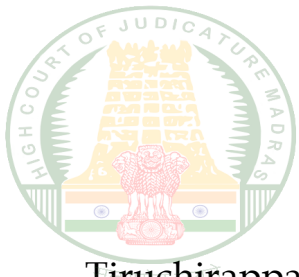
For Petitioner : Mr.A.K.Manikkam, Advocate

Prayer in CRL MP(MD).5772 of 2025 :

This Criminal Miscellaneous Petition filed praying to suspend the sentence passed by the learned Judicial Magistrate No.V, Tiruchirappalli in S.T.C.No.706 of 2013 dated 13.12.2018 which was confirmed by the learned I Additional District and Sessions Judge, Tiruchirappalli in Crl.A.No.9 of 2019 dated 28.02.2025 and enlarge the petitioner on bail pending disposal of the criminal revision.

Prayer in CRL MP(MD).5774 of 2025 :

This Criminal Miscellaneous Petition filed praying to grant exemption to surrender before the court concerned as per the sentence passed by the learned Judicial Magistrate No.V, Tiruchirappalli in S.T.C.No.706 of 2013 dated 13.12.2018 which was confirmed by the learned I Additional District and Sessions Judge,



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Tiruchirappalli in Crl.A.No.9 of 2019 dated 28.02.2025, pending disposal of the criminal revision.

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed (i) to suspend the sentence and the compensation imposed on the petitioner/sole accused by the learned Judicial Magistrate No.5, Tiruchirappalli, in S.T.C.No.706 of 2013, dated 13.12.2018, which was confirmed by the learned I Additional District and Sessions Judge (PCR), Tiruchirappalli, in Crl.A.No.9 of 2019, dated 28.02.2025 and (ii) to exempt the petitioner to surrender before the trial Court.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.50,00,000/- from the respondent on 04.01.2013 agreeing to repay the same on 04.02.2013 with interest at 24% and issued four post-dated cheques for Rs.50,00,000/- that when the respondent has presented a cheque for Rs.20,00,000/- for collection, the same was returned with reason "Insufficient Funds" on 19.03.2013, that the respondent has then sent a legal notice dated 16.04.2013 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 20.04.2013, that the petitioner, after receiving the notice, has sent a reply notice on 22.04.2013 disputing the liability and the issuance of the cheque and that therefore, the respondent has filed a private complaint for the offence under Section 138 of Negotiable Instruments Act against the petitioner.



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3. It is seen from the records that the petitioner has been convicted by the trial Court in S.T.C.No.706 of 2013 for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of two years and also directed to pay a compensation of Rs.40,00,000/- (Rupees Forty Lakhs only), in default, to undergo Simple Imprisonment for a period of six months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in CrI.A.No.9 of 2019 on the file of the learned I Additional District and Sessions Court (PCR), Tiruchirappalli. The learned Sessions Judge, by confirming the conviction and sentence, 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 petitions.

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 not paid any amount so far and that the petitioner is ready to deposit some portion of the compensation amount as directed by this Court.

5. This Court has carefully considered the contentions put forward by the learned counsel appearing for the petitioner and also perused the materials available



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on record.

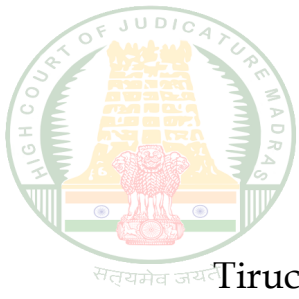
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6. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final 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 in CrI.M.P.(MD)No.5772 of 2025 is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall deposit 50% of the compensation amount on or before 05.06.2025 to the credit of S.T.C.No.706 of 2013 on the file of the learned Judicial Magistrate No.5, Tiruchirappalli, 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 Judicial Magistrate No.5,



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Tiruchirappalli;

(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 she is not able to appear before the trial Court on any day, she 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 her absence, as directed by the trial Court.

8. Accordingly, Crl.M.P.(MD)No.5774 of 2025 is dismissed.

9. Post the matter on 06.06.2025 'for reporting compliance'.

sd/-
28/04/2025

/ TRUE COPY /

08/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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CSM जयते
TO
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1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR),
TIRUCHIRAPPALLI.

2 THE JUDICIAL MAGISTRATE NO.5,
TIRUCHIRAPPALLI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.

+1 CC to M/s.A.K.MANIKKAM, Advocate (SR-4976[I] dated 29/04/2025)

ORDER IN
CRL MP(MD) Nos.5772 and 5774 of 2025
in CRL RC(MD) No.537 of 2025
Date :28/04/2025

SA/SAR. /08.05.2025/6P/5C

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