



CRL MP(MD) No.7695 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2025

CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.7695 of 2025

in

CRL RC(MD) No.699 of 2025

Chandran

Petitioner/Petitioner

Vs

Kumar

... Respondent/Respondent

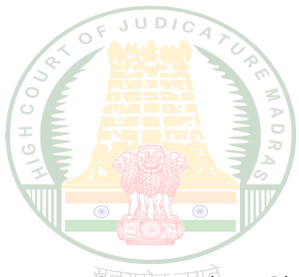
For Petitioner: Mr.R.Paranjothi, Advocate
for M/s.KBS Law Office

Prayer in CRL MP(MD).7695 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the sentence passed in S.T.C.No.64 of 2021 dated 10.07.2023 on the file of the Judicial Magistrate Court (FTC), Pattukkottai which was confirmed in Crl.A.No.188 of 2023 dated 10.07.2024 on the file of the III Additional District and Sessions Court, Thanjavur @ Pattukkottai, pending disposal of the criminal revision case.

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in S.T.C.No.64 of 2021 dated 10.07.2023 on the file of the Judicial Magistrate

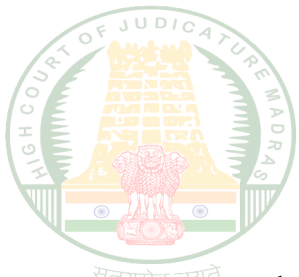


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Court (FTC), Pattukkottai which was confirmed in Crl.A.No.188 of 2023 dated 10.07.2024 on the file of the III Additional District and Sessions Court, Thanjavur @ Pattukkottai, pending disposal of the criminal revision case.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.5,00,000/- from the respondent on 29.01.2021 agreeing to repay the same within two months and had given cheque, dated 29.03.2021 bearing Cheque No.996725 for an amount of Rs.5,00,000/-. When the respondent has presented the cheque for collection on 29.03.2021, it was dishonored on 09.04.2021 as Funds Insufficient. Hence, the respondent has sent legal notice on 22.04.2021 to the petitioner. The petitioner has refused to receive and the said notice was returned. Thereafter, 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.64 of 2021 for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of six months and also directed to pay a compensation of Rs.5,10,000/- within a period of two months, in default, to undergo Simple Imprisonment for a period of 2 months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.188 of 2023 on the file of the III Additional



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District and Sessions Court, Thanjavur and the learned III Additional District and Sessions Judge, Thanjavur, 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 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 in appeal.

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 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.



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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 III Additional District and Sessions Court, Thanjavur;

(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

(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.

sd/-
19/06/2025

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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 III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR @ PATTUKOTTAI.

2 THE JUDICIAL MAGISTRATE,
(FTC), PATTUKOTTAI.

3 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

ORDER

IN

CRL MP(MD) No.7695 of 2025

in

CRL RC(MD) No.699 of 2025

Date :19/06/2025

MK/23.06.2025 5P/4C

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