



CRL MP(MD) No.6181 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30-04-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.6181 of 2025
in

CRL RC(MD) No.557 of 2025

Nallamuthu

Petitioner

Vs

B.Natesan

Respondent

For Petitioner: Mr.G.Rajan, Advocate

This Criminal Miscellaneous Petition filed praying to suspend the sentence passed in S.T.C.No.168 of 2023 dated 13.05.2024 passed by the learned Judicial Magistrate, FTC at Uthamapalayam, confirm by the learned Additional District Judge, FTC, Theni, in C.A.No.92 of 2024 dated 08.01.2025, pending disposal of the criminal revision petition.

ORDER

The Criminal Miscellaneous Petition has been filed to suspend the sentence and compensation imposed on the petitioner/sole accused by the learned Judicial Magistrate, Fast Track Court, Uthamapalayam, in S.T.C.No.168 of 2023, dated 13.05.2024, which was confirmed by the learned Additional District Judge, Fast Track



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Court, Theni, in Crl.A.No.92 of 2024, dated 08.01.2025.

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2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.5,00,000/- from the respondent on 15.04.2023 and issued a post-dated cheque dated 16.06.2023, that when the respondent has presented the cheque for collection, the same was returned with reason "Funds insufficient" on 22.06.2023, that the respondent has sent legal notice dated 18.07.2023 to the petitioner demanding repayment of the amount covered by the cheque and the same were received by the petitioner on 21.07.2023, that the petitioner, after receiving the notice, has neither sent any reply nor paid any 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.168 of 2023 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.5,00,000/-. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.92 of 2024 on the file of the Additional District (Fast Track) Court, Theni and the learned Additional District Judge, by confirming the conviction and sentence, dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the



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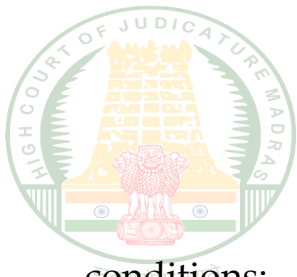
petitioner has preferred the present Criminal Revision Case along with the above
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miscellaneous petition seeking suspension of sentence.

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 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 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.

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



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conditions:-

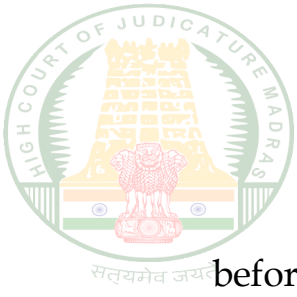
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(i) The petitioner shall deposit 50% of the compensation amount on or before 10.06.2025 to the credit of S.T.C.No.168 of 2023 on the file of the Judicial Magistrate, Fast Track Court, Uthamapalayam, failing which the sentence suspended shall automatically 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, Fast Track Court, Uthamapalayam;

(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 B.N.S.S. (Section 317 of Cr.P.C.) and shall appear



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

8. Post the matter on 11.06.2025 'for reporting compliance'.

sd/-
30/04/2025

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09/05/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM
TO

1 THE ADDITIONAL DISTRICT JUDGE,
(FAST TRACK COURT), THENI.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, UTHAMAPALAYAM.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

ORDER
IN
CRL MP(MD) No.6181 of 2025
in
CRL RC(MD) No.557 of 2025
Date :30/04/2025

SA/SAR. /09.05.2025/5P/4C

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