



CRL MP(MD) NO. 13722 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07-01-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 13722 of 2024

IN

CRL RC(MD) NO. 1355 OF 2024

K.Ponnusamy

S/o.Kurundan, Door No.2/10, 4th Street,
Bharathiyar Street, John Thoppu,
Trichy - 2.

Petitioner(s)

Vs

R.Chandrasekar

S/o.Ramasamy, Door No.2/11, 4th Street,
Barathiyar Street, Trichy - 2.

Respondent(s)

For Petitioner(s):

Mr.Mohideen Basha.N, Advocate

For Respondent(s):

Mr.C.Suresh Kannan, Advocate

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate No.I, Tiruchirapalli, in C.C.No.272 of 2016, dated 28.07.2022, which was confirmed by the learned I Additional District and Sessions Judge, Tiruchirapalli in Criminal Appeal No.87 of 2022 dated 06.01.2024, pending disposal of the Criminal Revision Case in Crl.R.C. (MD)No.1355 of 2024.



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2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 28.07.2022 for the offence under Section 138 of Negotiable Instruments Act, and the trial Court sentenced him to undergo simple imprisonment for a period of one year and to pay a cheque amount of Rs.10,00,000/- (Rupees Ten Lakhs only) as compensation to the respondent within a period of one month from the date of judgment, in default, to undergo simple imprisonment for a period of one month in C.C. No.272 of 2016 on the file of the learned Judicial Magistrate No.I, Tiruchirapalli.

3. The learned I Additional District and Sessions Judge, Tiruchirapalli confirmed the conviction and sentence, and dismissed the Criminal Appeal No.87 of 2022, dated 06.01.2024. Challenging the same, the present Criminal Revision case, along with this Criminal Miscellaneous Petition seeking suspension of sentence, has been filed before this Court.

4. It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses. Further, he



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submitted that the petitioner is ready to deposit 25% of the compensation amount
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i.e. a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) to show his
bonafide.

5. The learned counsel for the respondent has not raised any objection to this
petition.

6. This Court has carefully considered the submission made by the learned
counsel appearing on either side, and has also perused the materials available on
record.

7. The learned counsel for the petitioner pointed out that there are certain
infirmities and inconsistencies in this case, and also there are 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, and also considering the bonafide
expressed by the petitioner, 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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8. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

(i) The petitioner shall deposit 25% of the compensation amount i.e. **a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only)** to the credit of C.C.No.272 of 2016 on the file of the learned Judicial Magistrate No.I, Tiruchirapalli **on or before 07.02.2025**, failing which, the sentence suspended shall automatically dismissed, and the respondent 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, Tiruchirapalli.

(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;

(iv) The petitioner shall appear before the learned Judicial Magistrate No.I, Tiruchirapalli 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

(v) On such deposit, the learned Judicial Magistrate No.I, Tiruchirapalli shall



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re-deposit the said sum in a Nationalized Bank, so that, the amount accrues interest

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and the same can be disbursed depending upon the outcome of the Criminal Revision Case in Crl.R.C.(MD)No.1355 of 2024.

9. List the matter on **10.02.2025** under the caption “for reporting compliance”.

sd/-

07/01/2025

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/01/2025

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

MKN
TO

- 1 THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, TIRUCHIRAPPALLI.
- 2 THE JUDICIAL MAGISTRATE NO.1
TIRUCHIRAPPALLI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.

Copy to:

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (CALL FOR RECORDS)

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-163[I] dated 07/01/2025)



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+1 CC to M/s.N.MOHIDEEN BASHA, Advocate (SR-152[I] dated 07/01/2025)

ORDER

IN

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IN

CRL RC(MD) NO. 1355 OF 2024

Date :07/01/2025

SS/VR/SAR- /22/01/2025/ 6P/7C

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