



CRL MP(MD) No.6232 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30-04-2025

CORAM
THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.6232 of 2025

in

CRL RC(MD) No.560 of 2025

Palanikumar

Petitioner

Vs

Murugesan

Respondent

For Petitioner: Mr.T.Vadivelan, Advocate

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the sentence made in Crl.A.No.98 of 2023 dated 14.02.2025 on the file of the learned Additional District and Session Judge, Aruppukottai confirming the order of conviction made in C.C.No.21 of 2020 dated 13.06.2023 on the file of the Chief Judicial Magistrate, Aruppukottai pending disposal of the revision petition.



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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, Aruppukottai, in C.C.No.21 of 2020, dated 13.06.2023, which was confirmed by the learned Additional District and Sessions Judge, Aruppukottai, in Crl.A.No.98 of 2023, dated 14.02.2025.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.1,00,000/- from the respondent on 10.04.2019 agreeing to repay the same within one month and had given a promissory note, that the respondent demanded the petitioner to repay the amount for several times, that thereafter the petitioner issued a post-dated cheque dated 10.12.2019 for Rs.1,00,000/-, that when the respondent has presented the cheque for collection on 11.12.2019, the same was returned with reason "Funds insufficient" on 12.12.2019, that the respondent has sent legal notice on 23.12.2019 to the petitioner demanding repayment of the amount covered by the cheque and the same were received by the petitioner on 24.12.2019, 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.



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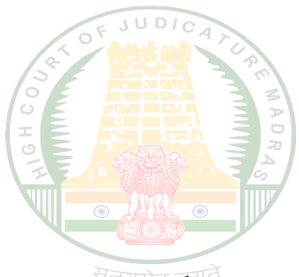
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3. It is seen from the records that the petitioner has been convicted by the trial Court in C.C.No.21 of 2020 for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of 6 months and also directed to pay a compensation of Rs.1,00,000/-, in default, to undergo Simple Imprisonment for a period of 1 month. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.98 of 2023 on the file of the Additional District and Sessions Court, Aruppukottai and 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 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 Rs.50,000/- before the trial Court and that the petitioner is ready to deposit some portion of the remaining 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

<https://www.mhc.tn.gov.in/judis>



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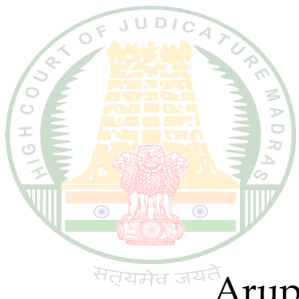
record.
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6. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this 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 is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall deposit 75% of the remaining compensation amount on or before 10.06.2025 to the credit of C.C.No.21 of 2020 on the file of the Judicial Magistrate, Aruppukottai, 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,



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

CSM



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To
1.The Additional District and Sessions Judge,
Aruppukottai.

2. The Judicial Magistrate,
Aruppukottai.

3. Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

+1 CC to M/s.T.VADIVELAN, Advocate (SR-5255[I] dated 30/04/2025)

ORDER

IN

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in

CRL RC(MD) No.560 of 2025

Date :30/04/2025

MK/SAR /09.05.2025 6P/5C

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