



CRL.MP(MD).No.6465 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.05.2025

CORAM

THE HONOURABLE MR.JUSTICE R. SAKTHIVEL

CRL.MP(MD).No.6465 of 2025

in

CRL RC(MD).No.586 of 2025

K.J.Charles Nelson
S/o.Jesudasan

... Petitioner / Petitioner

vs.

Kishore Kumar,
S/o.T.P.Harivasudevan

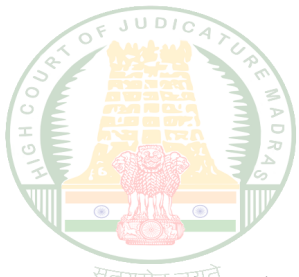
... Respondent / Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to suspend the execution of the sentence made in judgment dated 03.04.2025 in Criminal Appeal No.55 of 2024 passed by the learned Principal Sessions Judge, Ramanathapuram confirming the judgment dated 03.10.2024 in S.T.C.No.44 of 2021 passed by the Judicial Magistrate, Paramakudi, Ramanathapuram and enlarge the petitioner on bail pending disposal of the above criminal revision.

For Petitioner : Mr.P.Thinesh,
Advocate

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate, Paramakudi, Ramanathapuram in S.T.C. No.44 of 2021 dated 03.10.2024, which was confirmed by the learned Principal Sessions Judge, Ramanathapuram in Criminal Appeal No.55 of

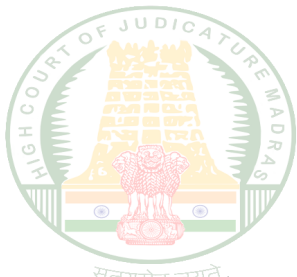


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2024 dated 03.04.2025, pending disposal of the Criminal Revision Case in Crl.R.C.
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(MD)No.586 of 2025.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 03.10.2024 for the offence punishable under Section 138 of Negotiable Instruments Act, 1881, and the trial Court, after conducting full trial, sentenced the petitioner to undergo simple imprisonment for a period of one year and to impose pay a fine Rs.10,000/- (Rupees Ten Thousand only) and further, directed to pay a compensation of Rs.7,00,000/- (Rupees Seven Lakhs only) as per Section 357(3) of the Criminal Procedure Code, 1973, to the petitioner in S.T.C.No.44 of 2021 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram.

3. Challenging the above said conviction and sentence, the petitioner herein has preferred an appeal in Criminal Appeal No.55 of 2024 on the file of the learned Principal Sessions Judge, Ramanathapuram. By a judgment, dated 03.04.2025, the learned Principal Sessions Judge, Ramanathapuram, uphold the conviction and sentence imposed by the trial Court and dismissed the appeal. Being dissatisfied with the said conviction and sentence, the present Criminal Revision Case, along with this



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Criminal Miscellaneous Petition seeking suspension of sentence, has been filed before
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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 complainant's witnesses. Further, the learned counsel submitted that the petitioner already deposited 20% of the cheque amount before the trial court and the petitioner is now ready to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to show his *bonafide*.

5. This Court has carefully considered the submission made by the learned counsel for the petitioner, and has also perused the materials available on record.

6. The learned counsel for the petitioner pointed out certain infirmities and inconsistencies in this case. The petitioner has some arguable points in this criminal revision. Thus, the criminal revision is not likely to be taken up for final hearing in the near future. Considering the submission made by the learned counsel for the petitioner that the petitioner is ready to and willing to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) in this case, this Court is inclined to grant an order of suspension of sentence.



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7. Accordingly, this petition is allowed and the sentence of imprisonment alone is suspended pending disposal of the criminal revision subject to the following directions :

(i) The petitioner shall deposit **a sum of Rs.3,00,000/- (Rupees Three Lakhs only)** to the credit of S.T.C. No.44 of 2021 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram **on or before 30.05.2025**, failing which, the order of suspension of sentence shall automatically be cancelled. In such a case, the respondent is at liberty to take steps 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, Paramakudi, Ramanathapuram.

(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.



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(iv) The petitioner shall appear before the learned Principal Sessions Judge, Ramanathapuram, once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

(v) On such deposit, the learned Judicial Magistrate, Paramakudi, Ramanathapuram shall invest the same in a Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in Crl.R.C.(MD).No.586 of 2025.

sd/-
09/05/2025

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

PAL

TO

1 THE PRINCIPAL SESSIONS JUDGE,
RAMANATHAPURAM.



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2 THE JUDICIAL MAGISTRATE
PARAMAKUDI, RAMANATHAPURAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

+1 CC to M/s.P.THINESH, Advocate (SR-5493[I] dated 12/05/2025)

ORDER
IN
CRL MP(MD) No.6465 of 2025
IN
CRL RC(MD) No.586 of 2025
Date :09/05/2025

SS/SAR- /13/05/2025/ 6P/5C

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