



CRL MP(MD) NO. 6457 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22-05-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 6457 of 2025

IN

CRL RC(MD) NO. 584 OF 2025

Devasena

W/o. K.R. Kuppusamy, No. 178, Sithalakshmi Compound
2nd Floor, Next to Chamber of Commerce,
Kamarajar Salai, Madurai.

Petitioner(s)

Vs

Saseekumar,

S/o. O.S. Gopalakrishnan, No.195, Chinnakadai Street, South
Gate, Madurai-625001.

Respondent(s)

For Petitioner(s):

M/s. Gandhi Associates
Ramanujam R
M. Ragul
P. Rajesh Kanna
9600355509

For Respondent(s):

Mr.P.Kottai Chamy
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate NO.I, Fast Track Court Magisterial Level, Madurai in S.T.C.No.262 of 2016 dated 12.04.2022, which was



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confirmed by the learned IV Additional District Judge, Madurai in Criminal Appeal
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No.29 of 2022 dated 13.02.2025, pending disposal of the Criminal Revision Case in
Crl.R.C.(MD)No.584 of 2025.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 12.04.2022 for the offence under Section 138 of Negotiable Instruments Act, and the trial Court sentenced her to undergo simple imprisonment for a period of six months and to pay a compensation of Rs.7,70,000/- (Rupees Seven Lakhs and Seventy Thousand only) with the default sentence to pay the said compensation amount and directed to undergo a further period of two months of simple imprisonment in S.T.C.No.262 of 2016 on the file of the learned Judicial Magistrate No.I, Fast Track Court (Magisterial Level), Madurai.

3. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.29 of 2022 on the file of the learned IV Additional District Judge, Madurai. By a judgment, dated 13.02.2025, the learned IV Additional District Judge Madurai, by upholding the conviction and sentence imposed by the trial Court, dismissed the appeal. Being dissatisfied with the said conviction and sentence, the present Criminal Revision Case, along with this Criminal Miscellaneous Petition seeking suspension of sentence, has been filed before this Court.



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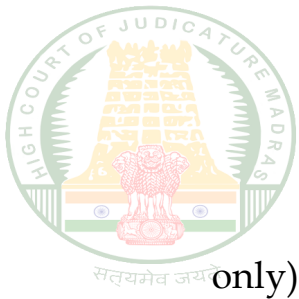
4. It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses. Further, he submitted that the petitioner is ready to deposit 20% of the cheque amount to show her 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 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.

7. 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 20% of the cheque amount i.e., a sum of Rs.1,54,000/- (Rupees One Lakh and Fifty Four Thousand



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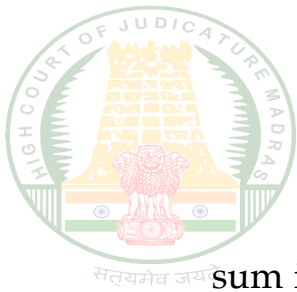
only) to the credit of S.T.C.No.262 of 2016 on the file of the learned Judicial Magistrate No.I, Fast Track Court (Magisterial Level), Madurai on or before 06.06.2025, failing which, the sentence suspended shall automatically dismissed, and the concerned Police is at liberty to execute the sentence imposed 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 learned Judicial Magistrate No.I, Fast Track Court (Magisterial Level), Madurai.

(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 learned Judicial Magistrate No.I, Fast Track Court (Magisterial Level), Madurai 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 No.I, Fast Track Court (Magisterial Level), Madurai shall re-deposit the said



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sum 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 CrI.R.C.(MD) No.584 of 2025.

sd/-
22/05/2025

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

LR
TO

1 THE IV ADDITIONAL DISTRICT JUDGE,
MADURAI.

2 THE JUDICIAL MAGISTRATE NO.I,
FAST TRACK COURT, (MAGISTERIAL LEVEL), MADURAI.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

+1 CC to M/s.GANDHI ASSOCIATES, Advocate (SR-5788[I] dated 26/05/2025)

ORDER
IN
CRL MP(MD) NO. 6457 of 2025
IN
CRL RC(MD) NO. 584 OF 2025
Date :22/05/2025

SA/SAR. /27.05.2025/5P/5C

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