



CRL MP(MD) NO. 6655 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. 6655 2025

IN

CRL RC(MD) NO. 598 OF 2025

M.K.Subramani,
S/o. Kandasmy,
Manmangalam Kizhakkur,
Manmangalam Post,
Manmangalam Taluk,
Karur District.

... Petitioner

Vs.

M/s.Sree Sivam Auto Finance
By its Partner V.S.Mahalingam,
S/o. Sadayappa Gounder,
Door No. 9/2, Gandhipuram West,
Karur Town,
Karur.

... Respondent

For Petitioner : Mr.V.Sukumar

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in C.A.No.14 of 2023 dated 05.08.2024 on the file of the



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learned District Judge, Karur, confirming the conviction imposed in the judgment, dated 13.12.2022 passed in C.C.No.151 of 2015 on the file of the learned Judicial Magistrate (Fast Track) at Magistrate Level, Karur and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 13.12.2022 for the offence under Section 138 of the Negotiable Instrument Act, and the trial Court sentenced him to undergo simple imprisonment for a period of six months and to pay a cheque amount of Rs.2,48,440/- (Rupees Two Lakhs Forty Eight Thousand Four Hundred and Forty only) as compensation to the respondent, in default, to undergo simple imprisonment for a period of one month in C.C.No.151 of 2015 on the file of the learned Judicial Magistrate cum Fast Track Court, Magistrate Level, Karur.

3. The learned District Judge, Karur, confirmed the conviction and sentence, and dismissed the Criminal Appeal No.14 of 2023, dated 05.08.2024. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.

4. The learned counsel for the petitioner submitted 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



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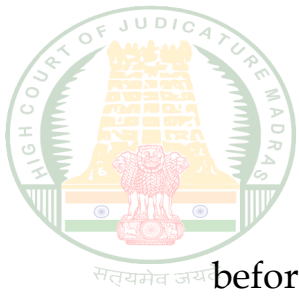
that the petitioner is ready to deposit 20% of the compensation amount (i.e.,
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Rs.49,688/- [Rupees Forty Nine Thousand Six Hundred and Eighty Eight only]) to
show his bonafide.

5. This Court has carefully considered the rival contentions put forward by
either side and 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 a sum of Rs.49,688/- (Rupees
Forty Nine Thousand Six Hundred and Eighty Eight only) to the
credit of C.C.No.151 of 2015 on the file of the learned Judicial
Magistrate cum Fast Track Court, Magistrate level, Karur, on or



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before 26.06.2025, 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 cum Fast Track Court, Magistrate level, Karur;

(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 cum Fast Track Court, Magistrate Level, Karur, 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 cum Fast Track Court, Magistrate Level, Karur; shall re-deposit the said sum in a Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal



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Revision Case in CrI.R.C.(MD)No.598 of 2025.

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9. List the matter on 27.06.2025 under the caption “for reporting compliance”.

sd/-
22/05/2025

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23/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MRN
TO
1 THE DISTRICT JUDGE,
KARUR.

2 THE JUDICIAL MAGISTRATE
(FAST TRACK) T MAGISTRATE LEVEL, KARUR.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, KARUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

+1 CC to M/s.V.SUKUMAR, Advocate (SR-5704[I] dated 22/05/2025)

ORDER
IN
CRL MP(MD) No.6655 of 2025
IN
CRL RC(MD) No.598 of 2025
Date :22/05/2025

SA/SAR. /23.05.2025/5P/6C

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