



CRL MP(MD) NO. 6654 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 22-05-2025

CORAM
THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 6654 2025
IN
CRL RC(MD) NO. 597 OF 2025

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

... Petitioner

Vs.

M/s.Senkathir Advances,
Rep. By its Partner Mahalingam,
S/o. Sadayappa Gounder,
No.92, 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.15 of 2023 dated 05.08.2024 on the file of the learned District Judge, Karur, confirming the conviction imposed in the judgment,



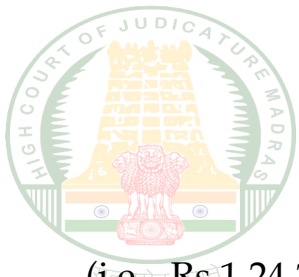
CRL MP(MD) NO. 6654 2025

dated 13.12.2022 passed in C.C.No.152 of 2015 on the file of the learned Judicial
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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.4,96,880/- (Rupees Four Lakhs Ninety Six Thousand Eight Hundred and Eighty only) as compensation to the respondent, in default, to undergo simple imprisonment for a period of one month in C.C.No.152 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.15 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 that the petitioner is ready to deposit 25% of the compensation amount



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(i.e., Rs.1,24,220/- [Rupees One Lakh Twenty Four Thousand Two Hundred and Twenty only]) to show his bonafide.

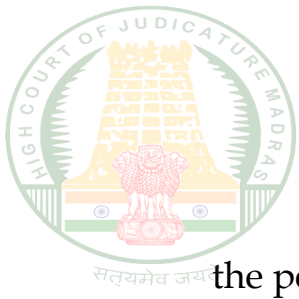
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5. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

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.1,24,220/- (Rupees One Lakh Twenty Four Thousand Two Hundred and Twenty only) to the credit of C.C.No.152 of 2015 on the file of the learned Judicial Magistrate cum Fast Track Court, Magistrate level, Karur, on or 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



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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 Revision Case in CrI.R.C.(MD)No.597 of 2025.

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.



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TO
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- 1 THE JUDICIAL MAGISTRATE CUM FAST TRACK COURT, MAGISTRATE LEVEL, KARUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY DISTRICT.
- +1 CC to M/s.V.SUKUMAR, Advocate (SR-5703[I] dated 22/05/2025)

ORDER
IN
CRL MP(MD) No.6654 of 2025
IN
CRL RC(MD) No.597 of 2025
Date :22/05/2025

NBF/23.05.2025 5P/5C

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