



CRL RC(MD) No.469 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15-04-2025

**CORAM
THE HONOURABLE MR JUSTICE K.MURALI SHANKAR**

CRL MP(MD) Nos.4893 and 4894 of 2025
in
CRL RC(MD) No.469 of 2025

A.Chandrasekaran

**Petitioner in
both the petitions**

Vs

Nadimuthu

**Respondent in
both the petitions**

(in both the petitions)

For Petitioner : Mr.M.Karunanithi, Advocate

For Respondent : Mr.J.Anandkumar, Advocate

Prayer in CRL MP(MD).4893 of 2025 :

This Criminal Miscellaneous Petition filed under Section 397(1) Cr.P.C. praying to suspend the sentence of imprisonment imposed in S.T.C.No.66 of 2021 dated 23.08.2022 on the file of the Judicial Magistrate (Fast Track), Pattukottai and as confirmed in C.A.No.101 of 2022 on the file of the learned III Additional District and Sessions Judge, Thanjavur @ Pattukottai, dated 24.07.2023 and enlarge the petitioner on bail, pending disposal of the above said criminal revision petition.



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Prayer in CRL MP(MD).4894 of 2025 :

This Criminal Miscellaneous Petition filed under Section 482 Cr.P.C. praying to exempt the petitioner from surrender in pursuant to the judgment in S.T.C.No.66 of 2021 dated 23.08.2022 on the file of the Judicial Magistrate (Fast Track), Pattukottai and as confirmed in C.A.No.101 of 2022 on the file of the learned III Additional District and Sessions Judge, Thanjavur @ Pattukottai, dated 24.07.2023, pending disposal of the above said criminal revision.

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed (i) to suspend the sentence and compensation imposed on the petitioner/sole accused by the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Pattukkottai, in S.T.C.No.66 of 2021, dated 23.08.2022, which was confirmed by the learned III Additional District and Sessions Judge, Thanjavur @ Pattukkottai, in Crl.A.No.101 of 2022, dated 24.07.2023 and (ii) to exempt the petitioner to surrender before the trial Court.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.2,00,000/- from the respondent on 18.03.2021 and issued a post-dated cheque for Rs.2,00,000/-, that when the respondent has presented the cheque for collection on 23.03.2021, the same was returned with reason "Payment stopped by drawer" on 24.03.2021, that the respondent has then sent a legal notice dated 08.04.2021 to the petitioner demanding repayment of the amount covered by the



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cheque and the same was received by the petitioner on 09.04.2021, 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.

3. It is seen from the records that the petitioner has been convicted by the trial Court for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of three months and also directed to pay a compensation of Rs.2,20,000/- within a period of two month, in default, to undergo Simple Imprisonment for a period of fifteen days. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.101 of 2022 on the file of the III Additional District and Sessions Judge, Thanjavur @ Pattukkottai. The learned Sessions Judge confirmed the conviction and sentence and 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 petitions.

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



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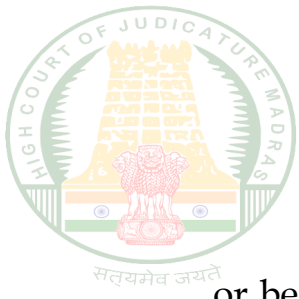
material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner is ready to deposit some portion of the compensation amount as directed by this Court.

5. This Court has carefully considered the contentions put forward by the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and also perused the materials available on record.

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 in CrI.M.P.(MD)No.4893 of 2025 is **ordered**. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall deposit 60% of the compensation amount on



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or before **02.06.2025** to the credit of S.T.C.No.66 of 2021 on the file of the Judicial Magistrate, Fast Track Court (Magisterial Level), Pattukkottai, 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, Fast Track Court (Magisterial Level), Pattukkottai;

(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



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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. Accordingly, Crl.M.P.(MD)No.4894 of 2025 is **dismissed**.

9. Post the matter on **03.06.2025** 'for reporting compliance'.

sd/-
15/04/2025

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

CSM

TO

1.The III Additional District and Sessions Judge,
Thanjavur @ Pattukkottai.

2. The Judicial Magistrate,
Fast Track Court (Magisterial Level),
Pattukkottai.

3. Do through the Chief Judicial Magistrate,
Thanjavur District.



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ORDER
in
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in
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Date :15/04/2025

SS/SAR- /22/04/2025/ 7P/4C

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