



CRL MP(MD) NO. 7054 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.06.2025

CORAM

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 7054 of 2025

IN

CRL RC(MD) NO. 630 of 2025

M.Jayavel

... Petitioner

Vs.

Sri Gokulam Chit and Finance Company
Pvt., Ltd.,
Bodinayakanur Branch, Theni District,
Through its power agent,
Selvaganapathy

... Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section 438 of BNSS to Suspend the Sentence imposed in S.T.C.No.1074 of 2017, dated 22.10.2021 on the file of the learned Judicial Magistrate, Bodinayakanur, confirm the trial Court order passed by the Appellate Court dated 25.03.2025, made in Crl.Appeal No.8 of 2022 on the file of the Principal Sessions Judge, Theni.

For Petitioner : Mr.H.Velvadhas



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in S.T.C.No.1074 of 2017, dated 22.10.2021 on the file of the learned Judicial Magistrate, Bodinayakanur, confirm the trial Court order passed by the learned Appellate Court dated 25.03.2025, made in Crl.Appeal No.8 of 2022 on the file of the Principal Sessions Judge, Theni.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 22.10.2021 for the offence under Section 138 and 142 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.5,22,483/- (Rupees Five Lakhs Twenty Two Thousand Four Hundred and Eighty Three only) as compensation to the respondent, in default, to undergo simple imprisonment for a period of two months as default sentence from the date of dishonor, in S.T.C.No.1074 of 2017 on the file of the learned Judicial Magistrate, Bodinayakanur.

3. The learned Principal Sessions Judge, Theni, confirmed the conviction and sentence, and dismissed the Criminal Appeal No.8 of 2022, dated 25.03.2025.



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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 (i.e., Rs.1,30,621/- [Rupees One Lakh Thirty Thousand Six Hundred and Twenty One 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



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expressed by the petitioner, this Court is of the considered view that the petitioner
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herein is entitled to the relief of grant of suspension of sentence.

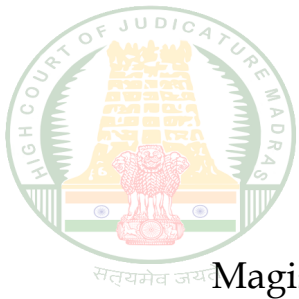
7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

(*)(i) The petitioner shall deposit a sum of Rs.52,248/- (Rupees Fifty Two Thousand Two Hundred and Forty Eight only) to the credit of S.T.C.No.1074 of 2017 on the file of the learned Judicial Magistrate, Bodinayakanur, on or before 18.07.2025, 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, Bodinayakanur;

(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



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Magistrate, Bodinayakanur, 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, Bodinayakanur; 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.630 of 2025.

9. List the matter on 16.07.2025 under the caption “for reporting compliance”.

sd/-
10/06/2025

(*)Corrected as per Order of this Hon'ble Court dt.18/06/2025 in CrI.MP(MD).7054/2025 in CrI.RC(MD).630/2025.

Post the matter on 20.07.2025, for compliance.

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/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SML

TO BE SUBSTITUTED WITH THE ORDER DT.10/06/2025 IS ALREADY DESPATCHED

TO

1 THE JUDICIAL MAGISTRATE,
BODINAYAKANUR, THENI DISTRICT.



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2 THE PRINCIPAL SESSIONS JUDGE,
THENI.

3 THE CHIEF JUDICIAL MAGISTRATE,
THENI.

ORDER
IN
CRL MP(MD) NO. 7054 of 2025
IN
CRL RC(MD) NO. 630 of 2025
Date :10/06/2025

PR/13.06 .2025 6P/4C

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SA/SAR. /24.06.2025/6P/4C

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