



CRL MP(MD) NO. 8287 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 01.07.2025

CORAM
THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 8287 of 2025

IN

CRL RC(MD) NO. 763 of 2025

P.Murugan

... Petitioner

Vs.

S.Jesso

... Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section 438 of BNSS to Suspend the Sentence and grant bail in C.A.No.82 of 2022 dated 05.11.2024 on the file of the learned Additional District Court, Theni, in C.C.No.71 of 2018 dated 17.08.2022 on the file of the learned Judicial Magistrate Cum Fast Track Court, Uthamapalayam.

For Petitioner : Mr.C.Ramesh

For Respondent : Mr.Santhanam Rajesh Kumar

ORDER

This Criminal Miscellaneous Petition has been filed to Suspend the Sentence and grant bail in C.A.No.82 of 2022 dated 05.11.2024 on the file of the learned Additional District Court, Theni, in C.C.No.71 of 2018 dated 17.08.2022 on the file of the learned Judicial Magistrate Cum Fast Track Court, Uthamapalayam.



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2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 17.08.2022 for the offence under Section 138 r/w 142 of the Negotiable Instrument Act, 1881, and the trial Court sentenced him to undergo simple imprisonment for a period of one year and to pay a cheque amount of Rs.1,00,000/- (Rupees One Lakh only) as compensation to the respondent, in default, to undergo simple imprisonment for a period of three months as default sentence from the date of dishonor, in C.C.No.71 of 2018 on the file of the learned Judicial Magistrate Cum Fast Track Court, Uthamapalayam.

3. The Additional District Court, Theni, confirmed the conviction and sentence, and dismissed the Criminal Appeal No.82 of 2022, dated 05.11.2024. 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



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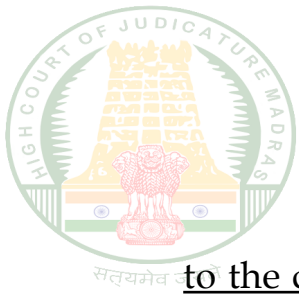
submitted that the petitioner is ready to deposit 20% of the compensation amount
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(i.e., Rs.20,000/- and Twenty Five Thousand only)) to show his bonafide.

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 has already deposited 20% of the compensation amount, i.e., a sum of Rs.20,000/- (Rupees Twenty Thousand only)



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to the credit of C.C.No.71 of 2018 on the file of the learned Judicial Magistrate Cum Fast Track Court, Uthamapalayam, on the direction of the learned Additional District and Sessions Judge (FTC), Theni in C.A.No.82 of 2022. In view of the same, 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, Uthamapalayam;

(ii) 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

(iii) The petitioner shall appear before the learned Judicial Magistrate Cum Fast Track Court, Uthamapalayam, on all working days at 10.30 a.m., until further orders.

(iv) On such deposit, the learned Judicial Magistrate Cum Fast Track Court, Uthamapalayam; 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



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Criminal Revision Case in CrI.R.C.(MD)No.763 of 2025."

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9. List the matter on 10.07.2025 under the caption "for reporting compliance".

sd/-

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(*)Amended as per the order of this court dated 03.07.2025
made in CRL MP(MD)No.8287 of 2025 in CRL RC(MD)
No.763 of 2025

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03/07/2025

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

SML

To be Substituted to the order which is already despatched on 02.07.2025
TO

1 Additional District and Sessions Judge(FTC), Theni

2.THE ADDITIONAL DISTRICT JUDGE,
THENI DISTRICT.

3.The Judicial Magistrate Cum Fast Track Court, Uthamapalayam,

4.THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

+1 CC to M/s.C.RAMESH, Advocate (SR-7103[I] dated 03/07/2025)



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ORDER
IN
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IN
CRL RC(MD) NO. 763 of 2025
Date :01/07/2025

PR/02.07 .2025 6P/5C

MK/03.07 .2025 6P/6C

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