



CRL MP(MD) No.6988 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2025

CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.6988 of 2025

in

CRL RC(MD) No.627 of 2025

Kasiraman

... Petitioner

Vs

Chandrasekaran

... Respondent

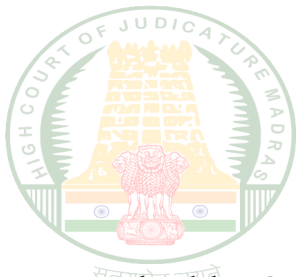
For Petitioner: Mr.C.Suresh Kannan, Advocate

Prayer in CRL MP(MD).6988 of 2025 :

This Criminal Miscellaneous Petition filed under Section 432 of B.N.S.S. praying to enlarge the Petitioner on bail by Suspending the Sentence imposed upon the petitioner in STC No.17/2018 on the file of the Learned Judicial Magistrate, Fast Track Court, Thanjavur, Thanjavur District dated 25.02.2022, which had been confirmed in Crl.A.No.15 of 2022 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur, Thanjavur District by judgment, dated 28.03.2025 pending disposal of the main criminal revision case.

ORDER

This Criminal Miscellaneous Petition has been filed to enlarge the Petitioner



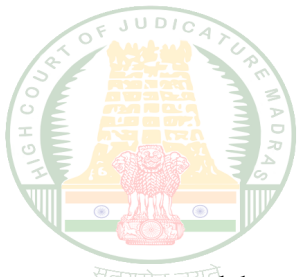
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on bail by Suspending the Sentence imposed upon the petitioner in STC No.17/2018 on the file of the Learned Judicial Magistrate, Fast Track Court, Thanjavur, Thanjavur District dated 25.02.2022, which had been confirmed in Crl.A.No.15 of 2022 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur, Thanjavur District by judgment, dated 28.03.2025 pending disposal of the main criminal revision case.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.2,00,000/- from the respondent agreeing to repay the same with 12% interest within a short period. When the complainant insisted the petitioner to repay the same, he issued cheque bearing number 000040 on 02.08.2017. When the respondent has presented the cheque for collection on 13.09.2017, the same was returned with reason "Insufficient funds" on 09.10.2017 that the respondent has sent legal notice on 09.10.2017 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 13.10.2017. Despite receiving the notice, the petitioner neither sent a reply nor repaid the amount. 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 in S.T.C.No.17 of 2018 for the alleged offence punishable under Section 138 of



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Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of one year and also directed to pay a compensation of Rs.2,00,000/- within a period of two months, in default, to undergo Simple Imprisonment for a period of one month. Challenging the above said conviction and sentence, the petitioner has filed an appeal in CrI.A.No.15 of 2022 on the file of the Additional District and Sessions Court (PCR) No.I, Thanjavur, Thanjavur District and the learned Additional District and Sessions Court (PCR) No.I, Thanjavur, Thanjavur District, by confirming the conviction and sentence, 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 petition seeking suspension of sentence.

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 material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner has already deposited Rs.1,00,000/- of the compensation amount before the Court below.

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



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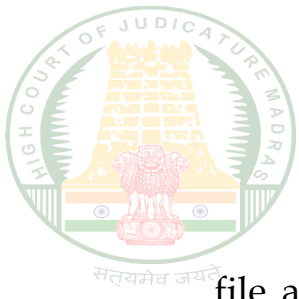
6. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not 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 is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) 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 Additional District and Sessions Court (PCR) No.I, Thanjavur, Thanjavur District;

(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 trial Court on all working days at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to



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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.

sd/-
30/06/2025

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

gbg
TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR) NO.I,
THANJAVUR, THANJAVUR DISTRICT.
- 2 THE JUDICIAL MAIGSTRATE, FAST TRACK COURT, THANJAVUR,
THANJAVUR DISTRICT.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR DISTRICT
AT KUMBAKONAM.

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-6908[I] dated 30/06/2025)

ORDER
IN
CRL MP(MD) No.6988 of 2025
IN
CRL RC(MD) No.627 of 2025
Date :30/06/2025

NBF/30.06.2025 5P/5C

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