



CRL MP(MD) No.8052 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2025

CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.8052 of 2025

in

CRL RC(MD) No.743 of 2025

S.Selvi

... Petitioner

Vs

V.Balasubramanian

... Respondent

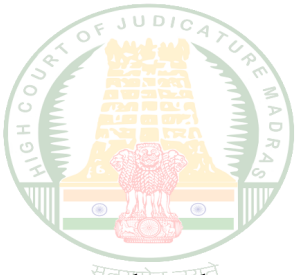
For Petitioner: Mr.T.Balakrishnan, Advocate

Prayer in CRL MP(MD).8052 of 2025 :

This Criminal Miscellaneous Petition filed under Section 432 of B.N.S.S. praying to suspend the sentence imposed in C.C.No.72 of 2016 dated 01.09.2022 by the Learned Fast Track Court, Judicial Magistrate at Magistrate Level, Karur and confirmed by the Learned District Judge, Karur in Criminal Appeal No.100 of 2022 dt. 31.07.2024 and enlarge the petitioner on bail pending disposal of main criminal revision.

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in C.C.No.72 of 2016 dated 01.09.2022 by the Learned Fast Track Court,



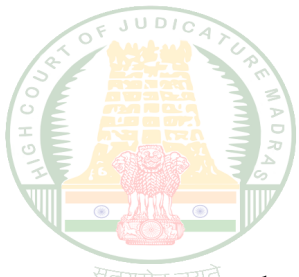
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Judicial Magistrate at Magistrate Level, Karur and confirmed by the Learned District Judge, Karur in Criminal Appeal No.100 of 2022 dated 31.07.2024 and enlarge the petitioner on bail pending disposal of main criminal revision.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.5,50,000/- from the respondent on 07.02.2014 and had given cheque, dated 27.02.2014 bearing number 000084 for an amount of Rs.5,50,000/-. When the respondent has presented the cheque for collection on 27.05.2014, the same was returned with reason "Insufficient funds", that the respondent has sent legal notice on 25.06.2014 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 28.06.2014, that the petitioner has given a reply notice on 01.07.2014 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 in C.C.No.72 of 2016 for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of 6 months and also directed to pay a compensation of Rs.5,50,000/- within a period of one month from the date of order, in default, to undergo Simple Imprisonment for a period of one month. Challenging the above said conviction and



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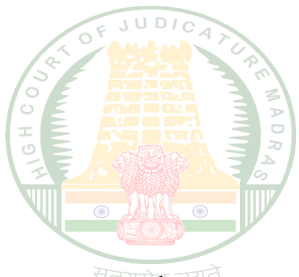
sentence, the petitioner has filed an appeal in Crl.A.No.100 of 2022 on the file of the learned District Judge, Karur and the learned District Judge, Karur, by confirming the conviction and sentence, dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred 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.

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.

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



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conditions:-
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(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 learned District Judge, Karur;

(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 daily 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 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/-
25/06/2025

/ TRUE COPY /

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

gbg



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To
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- 1.THE DISTRICT JUDGE,
KARUR.
- 2.THE JUDICIAL MAGISTRATE AT MAGISTRATE LEVEL,
FAST TRACK COURT,
KARUR.
- 3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

COPY TO
THE SECTION OFFICER,
VR SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.T.BALAKRISHNAN, Advocate (SR-6825[I] dated 26/06/2025)

ORDER
IN
CRL MP(MD) No.8052 of 2025
IN
CRL OP(MD) No.743 of 2025
Date :25/06/2025

HPS/27.06.2025 /5P/6C

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