



CRL MP(MD) NO. 8321 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. 8321 of 2025
IN
CRL RC(MD) NO. 766 of 2025

S.Mahendran

... Petitioner

Vs.

P.Manoharan

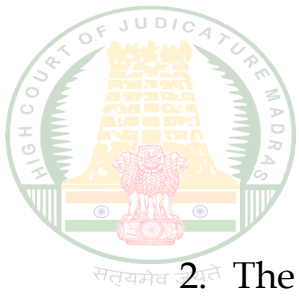
... Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section 438 of BNSS, to suspend the sentence imposed by the learned Judicial Magistrate (FTC), Uthamapalayam in C.C.No.97 of 2020 dated 10.08.2022 which was confirmed by the Principal Sessions Judge, Theni, in Crl.A.No.77 of 2022 dated 02.06.2025.

For Petitioner : Mr.K.Guhan

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned Judicial Magistrate (FTC), Uthamapalayam in C.C.No.97 of 2020 dated 10.08.2022 which was confirmed by the Principal Sessions Judge, Theni in Crl.A.No.77 of 2022 dated 02.06.2025.



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2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 10.08.2022 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. Aggrieved over the same, the petitioner preferred Crl.A.No.77 of 2022 on the file of the Principal Sessions Judge, Theni.

3. The learned Principal Sessions Judge, Theni, confirmed the conviction and sentence, and dismissed the Criminal Appeal No.77 of 2022, dated 02.06.2025. 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.2,60,000/- [Rupees Two Lakhs and Sixty Thousand only]) to show his bonafide.



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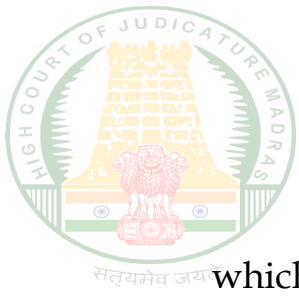
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5. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

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 shall deposit a sum of Rs.2,60,000/- (Rupees Two Lakhs and Sixty Thousand only) to the credit of C.C.No.97 of 2020 on the file of the learned Judicial Magistrate, Fast Track Court, Uthamapalayam, on or before 29.07.2025, failing



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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, Fast Track Court, Uthamapalayam;

(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 Magistrate, Fast Track Court, Uthamapalayam, on all working days at 10.30 a.m., until further orders.

(v) On such deposit, the learned Judicial Magistrate, 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 Criminal Revision Case in CrI.R.C.(MD)No.766 of 2025.



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9. List the matter on 30.07.2025 under the caption “for reporting compliance”.

sd/-
01/07/2025

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/07/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SML

TO

1.THE PRINCIPAL SESSIONS JUDGE,
THENI DISTRICT.

2.THE JUDICIAL MAGISTRATE (FTC),
UTHAMAPALAYAM.

3.THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

+1 CC to M/s.K.GUHAN, Advocate (SR-6962[I] dated 01/07/2025)



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ORDER

IN

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IN

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Date :01/07/2025

PR/03.07.2025 6P/5C

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