



CRL MP(MD) NO. 8248 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. 8248 of 2025

IN

CRL RC(MD) NO. 762 of 2025

Mythili Ganesan

... Petitioner

Vs.

1.Elango,
(Represented by his power agent
Gomathiyapillai)

2.The State of Tamilnadu,
Represented by,
Special Public Prosecutor,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer : This Criminal Miscellaneous Petition is filed under Section 438 of BNSS, to suspend the sentence imposed in S.T.C.No.178 of 2016 dated 03.11.2018 on the file of the learned Fast Track Court (Magistraterial Level), Nagercoil, confirmed in Crl.A.No.148 of 2018 dated 25.04.2025 on the file of the learned Mahila Sessions Court (Fast Track), Kanyakumari District at Nagercoil.

For Petitioner : Mr.S.C.Herold Singh

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in S.T.C.No.178 of 2016 dated 03.11.2018 on the file of the learned Fast



CRL MP(MD) NO. 8248 of 2025

Track Court (Magistraterial Level), Nagercoil, confirmed in Crl.A.No.148 of 2018
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dated 25.04.2025 on the file of the learned Mahila Sessions Court (Fast Track),
Kanyakumari District at Nagercoil.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 03.01.2018 for the offence under Section 138 of the Negotiable Instrument Act, 1881, and the trial Court sentenced him to undergo simple imprisonment for a period of six months and to pay a compensation of Rs.1,75,000/- (Rupees One Lakh and Seventy Five Thousand only) and in default, to undergo one month simple imprisonment. Aggrieved over the same, the petitioner preferred Crl.A.No.148 of 2018 on the file of the learned Mahila Sessions Court (Fast Track), Kanyakumari District at Nagercoil.

3. The learned Mahila Sessions Court (Fast Track), Kanyakumari District at Nagercoil, confirmed the conviction and sentence, and dismissed the Criminal Appeal No.148 of 2018, dated 25.04.2025. 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



CRL MP(MD) NO. 8248 of 2025

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submitted that the petitioner is ready to deposit 25% of the compensation amount (i.e., Rs.43,750/- [Rupees Forty Three Thousand Seven Hundred and Fifty 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 shall deposit a sum of Rs.43,750/- [Rupees Forty Three Thousand Seven Hundred and Fifty only] to the credit of C.C.No.148 of 2018 on the file of the learned Fast Track Court (Magistratal Level), Nagercoil, on or before 28.07.2025, failing which, the sentence suspended shall automatically dismissed, and



CRL MP(MD) NO. 8248 of 2025

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 Fast Track Court (Magistraterial Level), Nagercoil;

(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 Fast Track Court (Magistraterial Level), Nagercoil, on all working days at 10.30 a.m., until further orders.

(v) On such deposit, the learned Fast Track Court (Magistraterial Level), Nagercoil, 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.762 of 2025.

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



CRL MP(MD) NO. 8248 of 2025

sml
TO
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- 1 THE JUDGE, FAST TRACK COURT (MAGISTERIAL LEVEL), NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, NAGERCOIL.
- 3 THE SPECIAL PUBLIC PROSECUTOR, NAGERCOIL, KANYAKUMARI DISTRICT.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-7030[I] dated 02/07/2025)

ORDER
IN
CRL MP(MD) NO. 8248 of 2025
IN
CRL RC(MD) NO. 762 of 2025
Date :01/07/2025

NBF/03.07.2025 5P/5C

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