



CRL MP(MD) No.10890 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2025

CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.10890 of 2025
in
CRL RC(MD) No.1082 of 2025

Naveed Ahmed

... Petitioner

Vs

Subam Papers Private Limited,
represented by its Assistant Manager,
M.A.Abdul Basher,
Having its registered office at
143-149, Vadugampatti,
Manurbalock, Tirunelveli District.

... Respondent

For Petitioner : Mr.R.Karunanidhi

For Respondent : Mr.S.Kumar

Prayer in CRL MP(MD).10890 of 2025 :

This Criminal Miscellaneous Petition filed under Section 483(1) of B.N.S.S. praying to suspend the conviction and sentence imposed in C.A.No.139 of 2023 on the file of the learned Additiona District Judge IV, Tirunelveli, dated 28.06.2024 by confirming the sentence passed by the Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli, in S.T.C.No.264 of 2021 dated 27.07.2023 and acquit the



CRL MP(MD) No.10890 of 2025

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed in C.A.No.139 of 2023 on the file of the learned Additional District Judge IV, Tirunelveli, dated 28.06.2024 by confirming the sentence passed by the Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli, in S.T.C.No.264 of 2021 dated 27.07.2023 and acquit the petitioner.

2. The case of the respondent/complainant is that the petitioner approached the respondent company for purchasing of Kraft papers in the year 2015 and failed to pay a sum of Rs.5,19,132/-. After making demand by the respondent, the petitioner gave a post dated cheque dated 18.12.2018. When the respondent has presented the cheque bearing number 393855 for collection, the same was returned with reason "Insufficient funds" on 18.12.2018, that the respondent has sent statutory notice on 09.01.2019 to the petitioner demanding repayment of the amount covered by the cheque and the same was returned with an endorsement as "intimation gone out" and further, the accused have neither sent any reply notice nor paid the cheque amount 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 S.T.C.No.264 of 2021 for the alleged offence punishable under Section 138 of



CRL MP(MD) No.10890 of 2025

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Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of six month and also directed to pay a compensation of Rs.5,19,132/-, in default, to undergo Simple Imprisonment for a period of two months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in C.A.No.139 of 2023 on the file of the IV Additional District Court, Tirunelveli and the learned IV Additional District Judge, by confirming the conviction and sentence, dismissed the appeal. Being dis-satisfied 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 20% of the compensation amount (I.e) Rs.1,03,826/- before the Court below and that the petitioner is ready to deposit some portion of the remaining compensation amount as directed by this Court.

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.



CRL MP(MD) No.10890 of 2025

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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 IV Additional District Court, Tirunelveli;

(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 once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders and if he is not able to appear before the



CRL MP(MD) No.10890 of 2025

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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.

8. The respondent is permitted to withdraw the amount already deposited by the petitioner before the Court below, on filing a suitable application.

9. Post the matter on 17.09.2025.

sd/-
20/08/2025

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22/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu

TO

1 The Iv Additional District Judge,
Tirunelveli.

2 The Judge, Special Court For
Exclusive Trial of Negotiable Instrument Act,
Tirunelveli.



CRL MP(MD) No.10890 of 2025

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+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-9041[I] dated 21/08/2025)

ORDER
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in
CRL RC(MD) No.1082 of 2025
Date :20/08/2025

AS/22.08.2025/6P/4C

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