

CRL MP(MD) No.9316 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.9316 of 2025

in

CRL RC(MD) No.877 of 2025

A.S.Jaganathan

... Petitioner

Vs

Thangaraj

... Respondent

For Petitioner: Mr.R.Ponkarthikeyan, Advocate

Prayer in CRL MP(MD).9316 of 2025 :

This Criminal Miscellaneous Petition filed under Section 432 of B.N.S.S. praying to suspend the Sentence passed in Crl.A.No.62/2024 on the file of the Learned Principal District and Sessions Court, Tiruchirappalli dated 23.05.2025 confirming the judgment passed in C.CNo.1388/2022 dated 18.06.2024 on the file of the Learned Judicial Magistrate No.I, Tiruchirappalli and enlarge the petitioner on bail pending disposal of the criminal revision petition.

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the Sentence



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passed in Crl.A.No.62/2024 on the file of the Learned Principal District and Sessions Court, Tiruchirappalli dated 23.05.2025 confirming the judgment passed in C.CNo.1388 of 2022 dated 18.06.2024 on the file of the Learned Judicial Magistrate No.I, Tiruchirappalli and enlarge the petitioner on bail pending disposal of the criminal revision petition.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.2,00,000/- from the respondent at 24% interest on 16.07.2005 and executed a pronote on the same day. In spite of several demands, the petitioner failed to repay the amount. Later, the respondent received the cheque from the accused, dated 05.08.2006 in cheque no.837991 for an amount of Rs.2,00,000/-. When the respondent has presented the cheque for collection, the same was returned with reason "Insufficient funds" on 09.08.2006, that the respondent has sent legal notice on 28.08.2006 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 29.08.2006 and the petitioner has sent a reply on 06.09.2006. 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.1388 of 2022 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.3,00,000/- within a period of one month, 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 Crl.A.No.62 of 2024 on the file of the Principal District and Sessions Court, Tiruchirappalli and the learned Principal District and Sessions Court, Tiruchirappalli, 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 20% of the compensation amount before the Appellate 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.

6. The learned counsel appearing for the petitioner pointed out that certain



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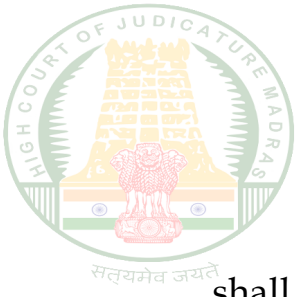
infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this 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 learned Judicial Magistrate No.I, Tiruchirappalli;

(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 file an application under Section 355 B.N.S.S. (Section 317 of Cr.P.C.) and



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shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

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

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TO

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, TIRUCHIRAPPALLI.
- 2 THE JUDICIAL MAGISTRATE NO.I, TIRUCHIRAPPALLI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-7741[I] dated 17/07/2025)

ORDER
IN

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Date :17/07/2025

NBF/SAR- /18/07/2025/ 5P/5C

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