



CRL MP(MD) No.8465 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2025

**CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

CRL MP(MD) No.8465 of 2025

in

CRL RC(MD) No.790 of 2025

R.Isabella

... Petitioner

Vs

V.Esakki Babu

... Respondent

For Petitioner: Mr.K.Navaneetha Raja, Advocate

Prayer in CRL MP(MD).8465 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438 of B.N.S.S. praying to suspend the sentence imposed by the learned I Additional District and Sessions Judge, Tirunelveli in Criminal Appeal No.9 of 2024, dated 05.03.2025, confirming the judgment and sentence passed by the learned Special Court for the Exclusive Trial of Cases under Negotiable Instrument Act, Tirunelveli in S.T.C.No.480 of 2019, dated 03.01.2024 pending disposal of the above said criminal revision petition.

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned I Additional District and Sessions Judge, Tirunelveli in Criminal Appeal No.9 of 2024, dated 05.03.2025, confirming the judgment and



CRL MP(MD) No.8465 of 2025

सत्यमेव जयते
WEB COPY

sentence passed by the learned Special Court for the Exclusive Trial of Cases under Negotiable Instrument Act, Tirunelveli in S.T.C.No.480 of 2019, dated 03.01.2024 pending disposal of the above said criminal revision petition.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.5,00,000/- from the respondent in the month of December 2017 agreeing to repay the same within three months. When the complainant demanded the said amount, cheque has been issued bearing Cheque No.729728, dated 11.07.2018 for an amount of Rs.5 Lakhs. When the respondent has presented the cheque for collection on 12.07.2018, the same was returned with reason "Insufficient funds", that the respondent has sent legal notice on 17.07.2018 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 18.07.2018. Despite receiving the same, the petitioner neither replied to the notice nor repaid the amount. 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.480 of 2019 for the alleged offence punishable under Section 138



CRL MP(MD) No.8465 of 2025

WEB COPY

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.5,00,000/- within a period of 2 months, in default, to undergo Simple Imprisonment for a period of 2 months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in C.A.No.9 of 2024 on the file of the I Additional District and Sessions Judge, Tirunelveli and the learned I Additional District and Sessions Judge, Tirunelveli, 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 Rs.1,00,000/- of the compensation amount before the Court below.

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.8465 of 2025

WEB COPY

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 I Additional District and Sessions Judge, 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



CRL MP(MD) No.8465 of 2025

WEB COPY

(*)(c)the petitioner shall appear before the trial Court on all working days at 05.30 p.m., until further orders and if she is not able to appear before the trial Court on any day, she 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 her absence, as directed by the trial Court.

sd/-
03/07/2025

(*)Corrected as per the order of this Hon'ble Court in CRL MP(MD)No.8465 of 2025 in CRL RC(MD)No.790 of 2025 dated 08/07/2025.

/ TRUE COPY /

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

gbg
To

TO BE SUBSTITUTED WITH THE ORDER DATED 03/07/2025 ALREADY DESPATCHED.

- 1.The I Additional District and Sessions Judge,
Tirunelveli.
- 2.The Special Judge for the Exclusive Trial of Cases
under Negotiable Instrument Act,
Tirunelveli.



CRL MP(MD) No.8465 of 2025

WEB COPY

3.The Section Officer,
Criminal Record Section,
Madurai Bench of Madras High Court, Madurai

+ 1 CC TO Mr.K.NAVANEETHARAJA, ADVOCATE IN SR No.7141(I) DATED
04/07/2025

ORDER
IN
CRL MP(MD) No.8465 of 2025
IN
CRL RC(MD) No.790 of 2025
Date :03/07/2025

HPS/03.07.2025 /6P/4C

MRN

SS/SAR- /10/07/2025/6P/5C

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