



CRL MP(MD) No.8637 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.8637 of 2025

in

CRL RC(MD) No.810 of 2025

Sathishkumar

... Petitioner

Vs

Velkumar

... Respondent

For Petitioner: Mr.G.Karuppasamy Pandiyan, Advocate

Prayer in CRL MP(MD).8637 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438 of B.N.S.S. praying to suspend the sentence passed by the Learned II Additional District and Sessions Judge, Thoothukudi in Crl.A.No.57/2023 dated 03.04.2025, confirming the judgment of conviction and sentence passed by the learned Judicial Magistrate, Tiruchendur in C.C.No.185/2014, dated 23.06.2022 and release the petitioner on bail pending disposal of the above criminal revision case.

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed by the Learned II Additional District and Sessions Judge, Thoothukudi in Crl.A.No.57/2023 dated 03.04.2025, confirming the judgment of conviction and



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sentence passed by the learned Judicial Magistrate, Tiruchendur in C.C.No.185/2014, dated 23.06.2022 and release the petitioner on bail pending disposal of the above criminal revision case.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.4,00,000/- from the respondent on 07.12.2013 and had given cheque bearing no.003847, dated 07.01.2014 for an amount of Rs.4,00,000/-. When the respondent has presented the cheque for collection, the same was returned with reason "Insufficient funds" on 06.02.2014, that the respondent has sent legal notice on 01.03.2014 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 04.03.2014. Despite receiving the same, that the petitioner has neither chosen to send a reply nor to repay 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 C.C.No.185 of 2014 for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of six months and also directed to pay a compensation of Rs.4,00,000/- within



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a period of two 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 Crl.A.No.57 of 2023 on the file of the II Additional District and Sessions Judge, Thoothukudi and the learned II Additional District and Sessions Judge, Thoothukudi, 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 30% of the compensation amount to the credit of C.C.No.185 of 2014 on the file of Judicial Magistrate, Thiruchendur as per the order of 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.



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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 II Additional District and Sessions Judge, Thoothukudi;

(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



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

sd/-
07/07/2025

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

GBG

TO

1 THE 2ND ADDITIONAL DISTRICT
AND SESSIONS JUDGE, THOOTHUKUDI.

2 THE JUDICIAL MAGISTRATE
THIRUCHENDUR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI.



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ORDER
IN
CRL MP(MD) No.8637 of 2025
in

CRL RC(MD) No.810 of 2025
Date :07/07/2025

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