



CRL RC(MD) NO.148 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04-02-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos.1551 and 1552 of 2025

in

CRL RC(MD) NO.148 of 2025

Dandapani

Petitioner

Vs

Sivaraman

Respondent

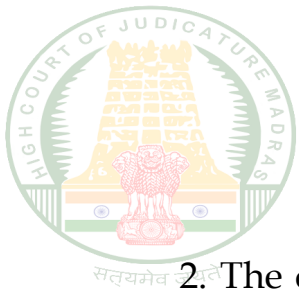
For Petitioner :

Mr.R.Surya Prakash, Advocate

ORDER

These Criminal Miscellaneous Petitions have been filed (i) to suspend the sentence and the compensation imposed on the petitioner/sole accused by the learned Judicial Magistrate No.I, Tiruchirappalli, in C.C.No.480 of 2018, dated 07.07.2022, which was confirmed by the learned I Additional District and Sessions Judge (PCR), Tiruchirappalli, in Crl.A.No.60 of 2022, dated 06.11.2023 and (ii) to exempt the petitioner to surrender before the trial Court.

<https://www.mhc.tn.gov.in/judis>

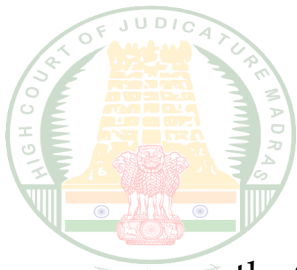


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2. The case of the respondent/complainant is that the petitioner borrowed 175 grams of gold jewels from the respondent in May-2018 and agreed to return the same within one week but the petitioner did not return the gold jewels and thereafter in June-2018, the petitioner returned back only 43 grams of gold jewels to the respondent, that after repeated demand, the petitioner execute a Rs.100/- Non Judicial Paper and issued a cheque for Rs.5,00,000/-, that when the respondent has presented the cheque for collection on 17.09.2018, the same was returned with reason “Insufficient Funds”, that the respondent has then sent a legal notice dated 13.10.2018 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 15.10.2018, that the petitioner, after receiving the notice, has sent a reply notice on 11.11.2018 disputing the liability and the issuance of the cheque 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 for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of one year and also directed to pay a compensation of Rs.5,00,000/- (Rupees Five Lakhs only) under Section 357(3) of Cr.P.C., in default, to undergo Simple Imprisonment for a period of



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one month. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.60 of 2022 on the file of the learned I Additional District and Sessions Court (PCR), Tiruchirappalli. The learned Sessions Judge confirmed the conviction and sentence and 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 petitions.

4. The learned counsel appearing for the petitioner would submit that the petitioner has already paid Rs.1,00,000/-. He would further 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.

5. This Court has carefully considered the contentions put forward 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 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.



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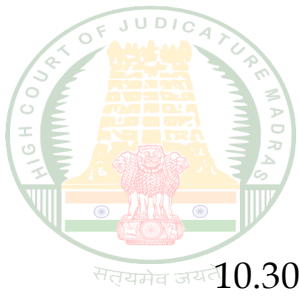
7. In the result, the Criminal Miscellaneous Petition in CrI.M.P.(MD)No.1551 of 2025 is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall deposit Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) on or before 03.03.2025 to the credit of C.C.No.480 of 2018 on the file of the learned Judicial Magistrate No.I, Tiruchirappalli, failing which the sentence suspended shall automatically dismissed and the concerned jurisdictional police 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 Judicial Magistrate No.I, Tiruchirappalli;

(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 trial Court once in a month i.e., on the first working day of every English calendar month at



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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 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. Accordingly, Crl.M.P.(MD)No.1552 of 2025 is dismissed.

9. Post the matter on 04.03.2025 'for reporting compliance'.

sd/-
04/02/2025

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/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM
TO

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR),
TIRUCHIRAPPALLI.

2 THE JUDICIAL MAGISTRATE NO.I,
TIRUCHIRAPPALLI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.



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ORDER
IN
CRL MP(MD) Nos.1551 and 1552 of 2025
in

CRL RC(MD) NO.148 of 2025
Date :04/02/2025

SA/GSV/SAR. /10.02.2025/6P/4C

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