

CRL MP(MD) No.9762 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.9762 of 2025

in

CRL RC(MD) No.921 of 2025

P.Arunadevi

... Petitioner

Vs

A.Mani

... Respondent

For Petitioner: Mr.C.Susikumar, Advocate

Prayer in CRL MP(MD).9762 of 2025 :

This Criminal Miscellaneous Petition filed under Section 432 of B.N.S.S. praying to suspend the sentence in C.A.No.24/2021 dated 02.06.2025 on the file of the Principal Sessions Judge, Theni confirming the conviction in S.T.C.No.52/2018 dated 25.09.2019 on the file of the Learned Judicial Magistrate Fast Track Court (M.L.), Theni pending disposal of this criminal revision petition.



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ORDER
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This Criminal Miscellaneous Petition has been filed to suspend the sentence in C.A.No.24/2021 dated 02.06.2025 on the file of the Principal Sessions Judge, Theni confirming the conviction in S.T.C.No.52 of 2018 dated 25.09.2019 on the file of the Learned Judicial Magistrate Fast Track Court (Magisterial Level), Theni pending disposal of this criminal revision petition.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.3,00,000/- from the respondent on 10.08.2017. On 10.09.2017, when the complainant demanded for the repayment of the said amount, the accused had given post dated cheque bearing number 657972, dated 26.03.2018.. When the respondent has presented the cheque for collection on 21.04.2018, the same was returned with reason "Kindly contact Drawer Drawee Bank and please present again" on 23.04.2018, that the respondent has sent legal notice on 07.05.2018 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 11.05.2018. The petitioner neither sent a reply 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.52 of 2018 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 6 months year and also directed to pay a compensation of Rs.3,00,000/- with an interest at the rate of 9% per annum from the date of the dishonor of the cheque within a period of one month, 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.24 of 2021 on the file of the Principal Sessions Judge, Theni and the learned Principal Sessions Judge, Theni, 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 Trial 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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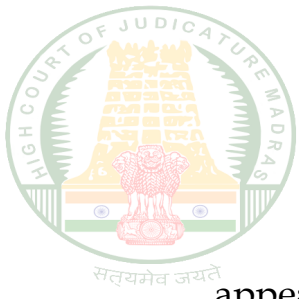
infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this 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 Judicial Magistrate Fast Track Court (Magisterial Level), Theni;

(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 at 10.30 a.m., in all working days 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



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

sd/-
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25/07/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE JUDICIAL MAGISTRATE FAST TRACK COURT (MAGISTERIAL LEVEL),
THENI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE PRINCIPAL SESSIONS JUDGE, THENI.

ORDER
IN
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IN
CRL RC(MD) No.921 of 2025
Date :25/07/2025

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