

CRL MP(MD) No.9989 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.9989 of 2025

in

CRL RC(MD) No.950 of 2025

R.Saravanakumar

... Petitioner

Vs

R.Chakravarthy

... Respondent

For Petitioner: Mr.S.Shanmugam, Advocate

Prayer in CRL MP(MD).9989 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438 of B.N.S.S. praying to suspend the sentence imposed on the petitioner in STC.No.38/2021 dated 22.04.2022 on the file of the Learned Judicial Magistrate, Fast Track Court (M.L), Theni confirmed by the C.A No.50/2022 dated 19.03.2025 on the file of the Principal Sessions Judge, Theni pending disposal of the main criminal revision petition.



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in S.T.C.No.38 of 2021 dated 22.04.2022 on the file of the learned Judicial Magistrate, Fast Track Court (M.L), Theni confirmed by the C.A.No.50 of 2022 dated 19.03.2025 on the file of the Principal Sessions Judge, Theni pending disposal of the main 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 13.11.2020 and had given cheque bearing number 654504, dated 31.12.2020. Further, the petitioner borrowed a loan of Rs.3,00,000/- from the respondent on 27.12.2020 and had given cheque bearing number 654505 dated 31.12.2020. When the respondent has presented the cheque for collection on 31.12.2020, the same was returned with reason "Fund Insufficient" on 01.01.2021, that the respondent has sent legal notice on 27.01.2021 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 28.01.2021. The petitioner has sent reply notices on 10.02.2021 with false allegation. Therefore, the respondent has filed a private complaint for the offence under Section 138 of Negotiable Instruments Act against the petitioner.



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3. It is seen from the records that the petitioner has been convicted by the trial Court in S.T.C.No.38 of 2021 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.3,00,000/- with an interest at the rate of 9% per annum from the date of dishonour within a period of 2 months, in default, to undergo Simple Imprisonment for a further period of one month. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.50 of 2022 on the file of the Principal Sessions Court, Theni and the learned Principal Sessions Court, 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.

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
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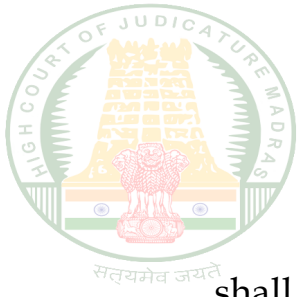
particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of 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 (M.L), 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 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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22/08/2025

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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 Sessions Judge, Theni.
 - 2 the Judicial Magistrate, Fast Track Court (Magistrate Level), Theni.
 - 3 Do Through the Chief Judicial Magistrate, Theni.
- +1 CC to M/s.S.SHANMUGAM, Advocate (SR-9187[I] dated 26/08/2025)

ORDER
IN
CRL MP(MD) No.9989 of 2025
in
CRL RC(MD) No.950 of 2025
Date :22/08/2025

NBF/SAR- /26+/08/2025/ 5P/5C

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