



CRL MP(MD) No.10975 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2025

CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.10975 of 2025
in
CRL RC(MD) No.1088 of 2025

J.Gokulakannan

... Petitioner

Vs

V.Packianathan

... Respondent

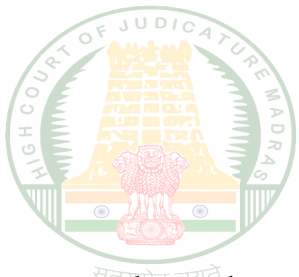
For Petitioner: Mr.S.SundaraPandian, Advocate

Prayer in CRL MP(MD).10975 of 2025 :

This Criminal Miscellaneous Petition filed under Section 432 of B.N.S.S. praying to suspend the sentence pursuant to the judgment of conviction render by Principal District and Sessions Judge, Theni, in C.A No.78/2024 dated 16.06.2025 by confirming the judgment in S.T.C.No.205/2023 dated 25.03.2024 on the file of Fast Track Court (Magisterial Level), Uthamapalayam, pending disposal of the above criminal revision case.

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence pursuant to the judgment of conviction render by Principal District and Sessions

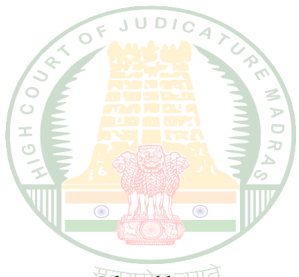


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Judge, Theni, in C.A No.78 of 2024 dated 16.06.2025 by confirming the judgment in S.T.C.No.205 of 2023 dated 25.03.2024 on the file of Fast Track Court (Magisterial Level), Uthamapalayam, pending disposal of the above criminal revision case.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.5,00,000/- from the respondent on 23.06.2023 and issued a cheque bearing number 123749 dated 23.08.2023. When the respondent has presented the cheque bearing number 000011 for collection, the same was returned with reason “Insufficient funds” on 25.08.2023. Thereafter, the respondent has sent legal notice on 01.09.2023 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 04.09.2023, that the petitioner has given a reply notice on 15.09.2023 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 in S.T.C.No.205 of 2023 for the alleged offence punishable under Section 138 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/-.



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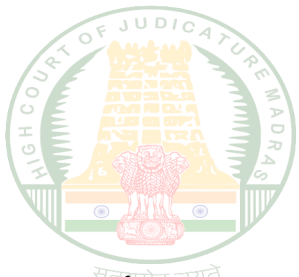
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Challenging the above said conviction and sentence, the petitioner has filed an appeal in CrI.A.No.78 of 2024 on the file of the Principal Sessions Judge, Theni and the learned Principal Sessions Judge, Theni, by confirming the conviction and sentence, 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 to the credit of S.T.C.No.205 of 2023 on the file of the Fast Track Court (Magisterial Level), Uthamapalayam.

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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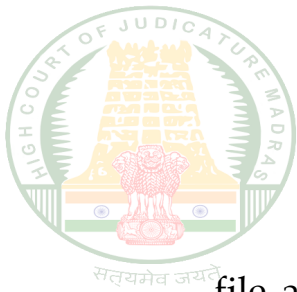
infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this 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 Fast Track Court (Magisterial Level), Uthamapalayam;

(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



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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/-
29/08/2025

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/2025
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 District and Sessions Judge,
Theni.

2. The Judicial Magistrate,
Fast Track Court (Magisterial Level),
Uthamapalayam

ORDER
IN
CRL MP(MD) No.10975 of 2025
IN
CRL RC(MD) No.1088 of 2025
Date :29/08/2025

HPS/09.09.2025 5P/3C

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