



CRL MP(MD) NO. 8723 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 08.07.2025

CORAM
THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 8723 of 2025
IN
CRL RC(MD) NO. 817 of 2025

Anuratha

... Petitioner

Vs.

Shanmugaraj

... Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section 438(1) of BNSS, 2023, to suspend the sentence of imprisonment imposed in S.T.C.No.116 of 2019 on the file of the Judicial Magistrate (Fast Track), Pattukottai, dated 29.03.2021 and as confined in CrI.A.No.98 of 2021 on the file of the learned III Additional District and Sessions Judge, Thanjavur @ Pattukottai, dated 10.04.2023 and enlarge the petitioner on bail, pending disposal of the above said Criminal Revision Case.

For Petitioner : Mr.M.Karunanithi

For Respondent : Mr.K.Prabakaran



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in C.A.No.98 of 2021 on the file of the learned III Additional District and Sessions Judge, Thanjavur @ Pattukottai, dated 10.04.2023, confirming the judgment in S.T.C.No.116 of 2019 on the file of the learned Judicial Magistrate (Fast Track), Pattukottai, dated 29.03.2021.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the learned Trial Court on 29.03.2021 for the offence under Section 138 of the Negotiable Instrument Act, and the learned Trial Court sentenced him to undergo rigorous imprisonment for a period of one year and to pay an amount of Rs.4,00,000/- (Rupees Four Lakhs only) as compensation to the respondent, in default to undergo further period of three months simple imprisonment, in S.T.C.No.116 of 2019 on the file of the learned Judicial Magistrate (Fast Track), Pattukottai.

3. The learned III Additional District and Sessions Judge, Thanjavur @ Pattukkotai, confirmed the conviction and sentence, and dismissed the Criminal Appeal No.98 of 2021, dated 10.04.2023. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.



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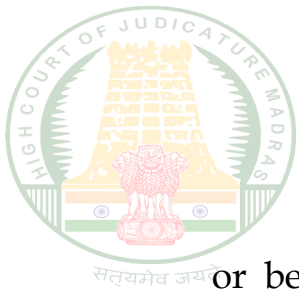
4. The learned counsel for the petitioner submitted that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses. Further, he submitted that the petitioner is ready to deposit 20% of the compensation amount (i.e., Rs.80,000/- [Rupees Eighty Thousand only]) to show his bonafide.

5. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case, and also there are 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, and also considering the bonafide expressed by the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

(i) The petitioner shall deposit a sum of Rs.80,000/- [Rupees Eighty Thousand only) to the credit of S.T.C.No.116 of 2019 on the file of the learned Judicial Magistrate (Fast Track), Pattukkottai, on



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or before 08.08.2025, failing which, the sentence suspended shall automatically dismissed, and the respondent 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 learned Judicial Magistrate (Fast Track), Pattukottai;

(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 learned Judicial Magistrate (Fast Track), Pattukkottai, on all working days at 10.30 a.m., until further orders.

(v) On such deposit, the learned Judicial Magistrate (Fast Track), Pattukkottai; shall re-deposit the said sum in a Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in Crl.R.C.(MD)No.817 of 2025.



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8. List the matter on 11.08.2025 under the caption "for reporting compliance".

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sd/-
08/07/2025

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

Mrn

To

1 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, THANJAVUR @ PATTUKOTTAI.

2 THE JUDICIAL MAGISTRATE,
(FAST TRACK), PATTUKOTTAI.

3 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

ORDER
IN
CRL MP(MD) NO. 8723 of 2025
IN
CRL RC(MD) NO. 817 of 2025
Date :08/07/2025

MK/10.07.2025 5P/4C

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