

CRL MP(MD) No.11046 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.11046 of 2025

in

CRL RC(MD) No.1099 of 2025

Hasina Begum

... Petitioner

Vs

Nandhi Associates

Rep.by its Partner,

M.Suresh.

... Respondent

For Petitioner: Mr.O.R.Gokul Abimanyu
for M/s.C.Arulvadivel Associates

Prayer in CRL MP(MD).11046 of 2025 :

This Criminal Miscellaneous Petition filed under Section 432 of B.N.S.S. praying to suspend the sentence imposed by the District and Sessions Judge, Karur made in Criminal Appeal No.40 of 2023 dated 16.06.2025 confirming the conviction and sentence imposed by the learned Fast Track Court (At Magistrate Level) Karur in C.C.No.271 of 2018 dated 27.02.2023 pending disposal of this criminal revision case.



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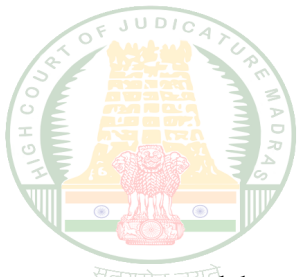
ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the District and Sessions Judge, Karur made in Criminal Appeal No.40 of 2023 dated 16.06.2025 confirming the conviction and sentence imposed by the learned Fast Track Court (At Magistrate Level) Karur in C.C.No.271 of 2018 dated 27.02.2023 pending disposal of this criminal revision case.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.50,000/- from the respondent on 17.08.2016 agreeing to repay the same within a month with interest at the rate of Rs.2.10/- per hundred per month and had issued a cheque bearing No.268601 for an amount of Rs.50,000/- dated 19.12.2016. When the respondent has presented the cheque for collection, the same was returned with an endorsement "payment stopped by drawer". The respondent has sent legal notice on 02.01.2017 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 04.01.2017, that the petitioner has given a reply notice with false averments. 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 C.C.No.271 of 2018 for the alleged offence punishable under Section 138 of



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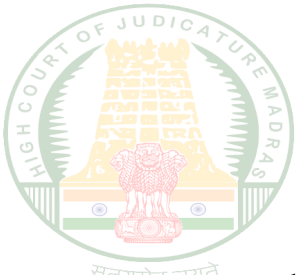
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Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of 6 months and also directed to pay the cheque amount of Rs.50,000/- as compensation within a period of one month, in default, to undergo Simple Imprisonment for a period of one month. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.40 of 2023 on the file of the District and Sessions Judge, Karur and the learned District and Sessions Judge, Karur, 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 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



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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 (At Magistrate Level) Karur;

(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 learned Judicial Magistrate No.I, Madurai, on all working days at 10.30 a.m., until further orders and if he is not able to appear before the same Court on any day, he shall make arrangements to file an application under



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Section 355 BNSS (Section 317 of Cr.P.C) and shall appear before the learned Judicial Magistrate No.I, Madurai, on any other day in lieu of the date of his absence, as directed by the learned Judicial Magistrate No.I, Madurai.

sd/-
21/08/2025

(*)Corrected As Per Order Of This Hon'ble Court Dt.03/09/2025 In CRL MP(MD). 11046/2025 IN CRL RC(MD).1099/2025

/ TRUE COPY /

09/09/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO BE SUBSTITUTED WITH THE ORDER DT.22/08/2025 IS ALREADY
DESPATCHED
TO

- 1.The District and Sessions Judge, Karur.
- 2.The Judicial Magistrate,
Fast Track Court(At Magistrate Level), Karur.
- 3.Do Through The Chief Judicial Magistrate, Karur District.



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ORDER
IN
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Date :21/08/2025

NM/09.09.2025/ 6P/4C

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SBN/22.08.2025 6P/4C

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