



CRL MP(MD) No.11246 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.11246 of 2025

in

CRL RC(MD) No.1146 of 2025

Kathiresan

... Petitioner

Vs

Kaliyarathinam

... Respondent

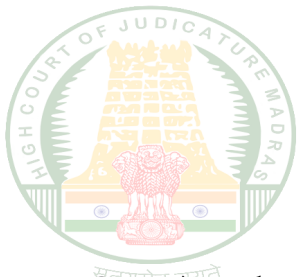
For Petitioner: Mr.A.Sekar, Advocate

Prayer in CRL MP(MD).11246 of 2025 :

This Criminal Miscellaneous Petition filed under Section 432 of B.N.S.S. praying to suspend the sentence pursuant to the judgement of conviction render by Principal District and Sessions Judge, Theni in C.A.No.78/2022 dated 25.06.2025 by confirming the judgment in S.T.C.No.4/2021 dated 18.06.2022 on the file of Judicial Magistrate (Fast Track Court), Uthamapalayam pending disposal of the above criminal revision petition.

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence pursuant to the judgement of conviction render by Principal District and Sessions Judge, Theni in C.A.No.78/2022 dated 25.06.2025 by confirming the judgment in S.T.C.No.4/2021 dated 18.06.2022 on the file of Judicial Magistrate (Fast Track



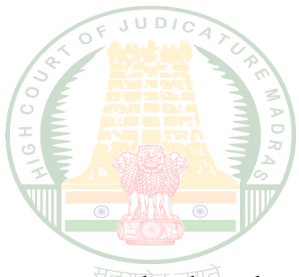
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Court), Uthamapalayam pending disposal of the above criminal revision petition.

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2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.3,00,000/- from the respondent on 12.03.2021 and had given cheque bearing number 605059, dated 12.04.2021. When the respondent has presented the cheque for collection on 12.04.2021, the same was returned with reason "Fund Insufficient" on 16.04.2021, that the respondent has sent legal notice on 27.04.2021 to the petitioner demanding repayment of the amount covered by the cheque and having received the same, the petitioner neither sent a reply to the legal notice 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.4 of 2021 for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of one year and also directed to pay a compensation of Rs.3,00,000/- within a period of 3 months, in default, to undergo Simple Imprisonment for a further period of 3 months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.78 of 2022 on the file of the Principal District and Sessions Court, Theni and the learned Principal District and Sessions Court, Theni, by confirming the conviction and sentence, dismissed the appeal. Being dissatisfied



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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.

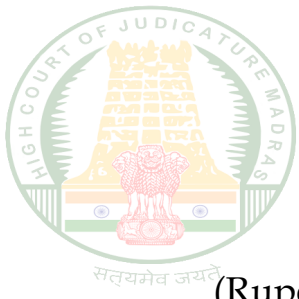
4. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

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 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/-



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(Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate (Fast Track) 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

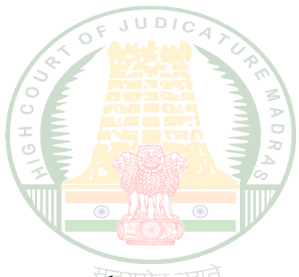
(iii) The petitioner shall appear before the trial Court on all working days at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 355 B.N.S.S. (Section 317 of Cr.P.C.) and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-
22/08/2025

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Sub-Assistant Registrar (CS-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), Uthamapalayam
- 3.Do through the Chief Judicial Magistrate, Theni District.

ORDER
IN
CRL MP(MD) No.11246 of 2025
IN
CRL RC(MD) No.1146 of 2025
Date :22/08/2025

PR/26.08.2025 5P/4C

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