



CRL MP(MD) No.11229 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2025

CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.11229 of 2025

in

CRL RC(MD) No.1140 of 2025

Kathiresan

... Petitioner

Vs

Krishnamoorthy

... Respondent

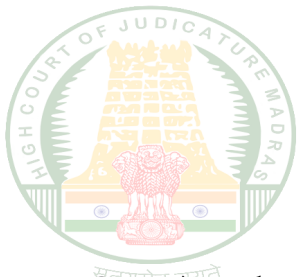
For Petitioner: Mr.A.Sekar, Advocate

Prayer in CRL MP(MD).11229 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.81/2021 dated 19.06.2025 by confirming the judgment in C.C.No.39/2021 dated 09.11.2021 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.81 of 2021 dated 19.06.2025 by confirming the judgment in C.C.No.39 of 2021 dated 09.11.2021 on the file of Judicial Magistrate (Fast Track

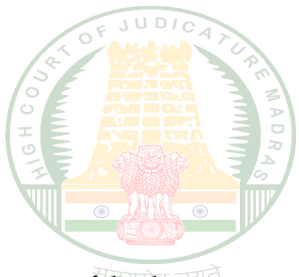


CRL MP(MD) No.11229 of 2025

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

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.3,00,000/- from the respondent on 13.12.2020 and had given cheque bearing number 118635, dated 27.12.2020. When the respondent has presented the cheque for collection, the same was returned with reason “Insufficient fund” on 05.02.2021, that the respondent has sent legal notice on 17.02.2021 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 19.02.2021. Despite receiving 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 C.C.No.39 of 2021 for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Rigorous 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



CRL MP(MD) No.11229 of 2025

WEB COPY

filed an appeal in Crl.A.No.81 of 2021 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 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



CRL MP(MD) No.11229 of 2025

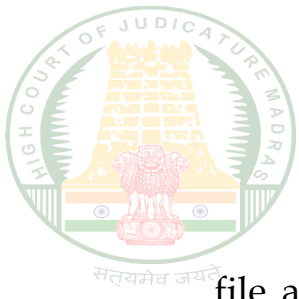
hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

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) 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



CRL MP(MD) No.11229 of 2025

WEB COPY

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

/ TRUE COPY /

/08/2025

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

gbg

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.



WEB COPY



CRL MP(MD) No.11229 of 2025

ORDER
IN

CRL MP(MD) No.11229 of 2025
in

CRL RC(MD) No.1140 of 2025
Date :22/08/2025

PR/26.08.2025 6P/4C

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