



CRL MP(MD) NO. 10649 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 19.08.2025

CORAM
THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 10649 of 2025
in
CRL RC(MD) NO. 1036 of 2025

M.Kandasamy

... Petitioner

Vs.

M.Ramasamy

... Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section 438 of BNSS to Suspend the Sentence imposed on the petitioner vide judgment in S.T.C.No.328 of 2022 on the file of the learned Judicial Magistrate No.2 (FAC), Kodaikanal, dated 09.07.2024, which is confirmed by the judgment dated 22.07.2025 in Crl.A.No.74 of 2024 on the file of the learned Additional District Court (Fast Track Court) Palani.

For Petitioner : Mr.T.Antony Arulraj

ORDER

This Criminal Miscellaneous Petition has been filed to Suspend the Sentence imposed on the petitioner vide judgment in S.T.C.No.328 of 2022 on the file of the learned Judicial Magistrate No.2 (FAC), Kodaikanal, dated 09.07.2024, which is



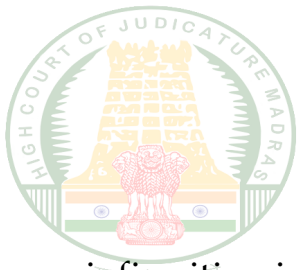
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confirmed by the judgment dated 22.07.2025 in Crl.A.No.74 of 2024 on the file of the
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learned Additional District Court (Fast Track Court) Palani.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 09.07.2024 for the offence under Section 138 r/w 142 of the Negotiable Instrument Act, 1881, and the trial Court sentenced him to undergo simple imprisonment for a period of six months and to pay a cheque amount of Rs.7,00,000/- (Rupees Seven Lakhs only) as compensation to the respondent, in default, to undergo simple imprisonment for a period of three months as default sentence from the date of dishonor, in S.T.C.No.328 of 2022 on the file of the learned Judicial Magistrate No.2 (FAC), Kodaikanal.

3. The learned Additional District Court (Fast Track Court) Palani, confirmed the conviction and sentence, and dismissed the Crl.A.No.74 of 2024, dated 22.07.2025. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.

4. The learned counsel for the petitioner submitted that there are several



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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 has already deposited 10% of the compensation amount (i.e., Rs.70,000/- [Rupees Seventy Thousand only]) and ready to deposit another 10% of the compensation amount (i.e., Rs.70,000/- [Rupees Seventy 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



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imprisonment alone is suspended pending disposal of the revision with the
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following directions :

(i) The petitioner shall deposit a sum of Rs.70,000/- [Rupees Seventy Thousand only] to the credit of S.T.C.No.328 of 2022 on the file of the learned Judicial Magistrate No.2 (FAC), Kodaikanal, on or before 16.09.2025, failing which, the sentence suspended shall automatically dismissed, and the respondent is at liberty to execute the sentence imposed by the learned 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 No.2 (FAC), Kodaikanal;

(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 No.2 (FAC), Kodaikanal, on all working days at 10.30 a.m., until further orders.

(v) On such deposit, the learned Judicial Magistrate No.2 (FAC), Kodaikanal, 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.1036 of 2025.



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9. List the matter on 17.09.2025 under the caption “for reporting compliance”.

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

Sml

To

1.The Additional District Court(Fast Track Court) Palani.

2.The Judicial Magistrate No.2 (FAC),
Kodaikanal.

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-8920[I] dated 19/08/2025)

ORDER

IN

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in

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Date :19/08/2025

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