



CRL MP(MD) No.11399 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.11399 of 2025

in

CRL RC(MD) No.1167 of 2025

1.S.Thiruvengataramanujam
2.S.Gopalraj

Petitioners/ Appellants/
Accused Nos.1 & 2

Vs

State of Tamilnadu rep. by its
The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
(Crime No.566/2001)

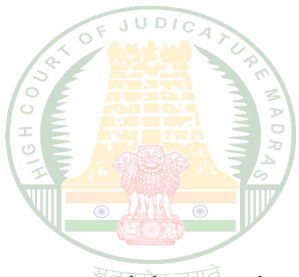
... Respondent/Respondent/
Complainant

For Petitioners : Mr.K.Rajeswaran, Advocate

For Respondent: Mr.M.Sakthikumar
Government Advocate (Criminal Side)

Prayer in CRL MP(MD).11399 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the conviction and sentences imposed on the petitioners vide judgment dated 30.07.2025 passed in C.A.No.130 of 2024 on the file of the learned



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Additional District and Sessions Court, Aruppukottai, in confirming the judgement dated 24.09.2024 passed in C.C.No.11 of 2008 on the file of the learned Judicial Magistrate Court, Aruppukottai pending disposal of the above criminal revision petition.

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentences imposed on the petitioners vide judgment dated 30.07.2025 passed in C.A.No.130 of 2024 on the file of the learned Additional District and Sessions Court, Aruppukottai, in confirming the judgement dated 24.09.2024 passed in C.C.No.11 of 2008 on the file of the learned Judicial Magistrate Court, Aruppukottai pending disposal of the above criminal revision petition.

2. The case of the prosecution is that the defacto complainant borrowed a loan of Rs.50,000/- from the 1st accused and he had given signed unfilled promissory notes and 8 signed cheques. As the 1st accused demanded high interest, enmity arose between the 1st accused and defacto complainant. Hence, the 1st accused has filed 2 cheque cases before Judicial Magistrate Court, Sivakasi against defacto complainant. Furthermore, the 2nd accused had filed 2 cheque cases against the defacto complainant. However, the defacto complainant was acquitted and appeal preferred



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by the 2nd accused was also dismissed. Hence, defacto complainant filed a complaint before the Judicial Magistrate, Aruppukottai for taking necessary action against the 1st and 2nd accused. On the basis of the complaint received from the Judicial Magistrate Court, Aruppukottai, the respondent police has registered a case against 1st and 2nd accused in Crime No.566 of 2001.

3. The respondent police, after completing the investigation, has filed the final report against the 1st and 2nd accused under Sections 467, 468, 469, 471 and 120(b) of IPC and the case was taken on file in C.C.No.11 of 2008 and the same was pending on the file of the Judicial Magistrate, Aruppukottai.

4. During trial, the prosecution has examined 8 witnesses as P.W.1 to P.W.8 and exhibited 7 documents. The accused have adduced neither oral nor documentary evidence.

5. The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed a judgment dated 24.09.2024 convicting the petitioners/1st and 2nd accused for the offences under Section 468 and sentenced them to undergo 2 years simple



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imprisonment and Section 471 of IPC and sentenced them to undergo 2 years simple imprisonment. Challenging the above said conviction and sentence, the petitioners have preferred appeal in Crl.A.No.130 of 2024 on the file of the Additional District and Sessions Judge, Aruppukottai. The learned Additional District and Sessions Judge, Aruppukottai by confirming the conviction and sentence, dismissed the appeal. Aggrieved by the same, the petitioners have preferred the present Criminal Revision Case along with the above miscellaneous petition.

6. The learned counsel appearing for the petitioners 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.

7. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioners and hence, he strongly opposed to grant suspension of sentence.

8. This Court has carefully considered the rival contentions putforth by either side and also perused the materials available on record.



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9. The learned counsel appearing for the petitioners 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 these 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 petitioners herein are entitled to the relief of grant of suspension of sentence.

10. In the result, this Criminal Miscellaneous Petition is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioners on the following conditions:-

(i) the petitioners are directed to be enlarged on bail on them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Aruppukottai ;

(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 petitioners shall appear before the trial Court at 10.30 a.m. on the first Monday of every English Calendar month until further



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orders.
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11. Accordingly, this Miscellaneous Petition is ordered.

sd/-
26/08/2025

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/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GBG

TO

- 1 The Additional District And
Sessions Judge,
Aruppukottai.
- 2 The Judicial Magistrate,
Aruppukottai .
- 3 Do Through
The Chief Judicial Magistrate,
Virudhunagar District
- 4 The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
- 5 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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ORDER
IN
CRL MP(MD) No.11399 of 2025
Date :26/08/2025

NM/29.08.2025/ 7P/7C

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