



CRL MP(MD) NO. 883 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24-01-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 883 of 2025

IN

CRL RC(MD) NO. 80 of 2025

A.Anantha Srinivasan

S/o. Anantharaman, 31A, Municipalayam, Harvey Nagar, 3rd
Street, Arasaradi, Madurai District.

Petitioner(s)

Vs

M/s.Royal Finance

Rep. by one of the Partners and Power Agent Mr. R. Gunasekaran,
S/o. Balu Thevar, No. 2832, Balabanandavnam, North Gate,
Thanjavur District.

Respondent(s)

For Petitioner(s):

Mr.J.Pandi Dorai

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Fast Track Judicial Magistrate, Thoothukudi, in C.C.No.201 of 2014, dated 27.02.2017, which was confirmed by the learned II Additional District and Sessions Judge, Thoothukudi in Criminal Appeal No.26 of 2017 dated 13.08.2024, pending disposal of the Criminal Revision Case in CrI.R.C.(MD)No.80 of 2025.



CRL MP(MD) NO. 883 of 2025

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2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 27.02.2017 for the offence under Section 138 of Negotiable Instruments Act, and the trial Court sentenced him to undergo simple imprisonment for a period of one year and to pay the cheque amount of Rs.18,00,000/- (Rupees Eighteen Lakhs only) as compensation to the respondent within a period of three months, in default, to undergo simple imprisonment for a period of one month in C.C.No.201 of 2014 on the file of the learned Fast Track Judicial Magistrate, Thoothukudi.

3. The learned II Additional District and Sessions Judge, Thoothukudi confirmed the conviction and sentence, and dismissed the Criminal Appeal No.26 of 2017, dated 13.08.2024. Challenging the same, the present Criminal Revision case, along with this Criminal Miscellaneous Petition seeking suspension of sentence, has been filed before this Court.

4. It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses. Further, he submitted



CRL MP(MD) NO. 883 of 2025

that the petitioner is now ready to deposit 20% of the cheque amount i.e. a sum of Rs.3,60,000/- (Rupees Three Lakhs and Sixty Thousand only) to show his bonafide.

5. This Court has carefully considered the submission made by the learned counsel for the petitioner, and has 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 imprisonment alone is suspended pending disposal of the revision with the following directions :

(i) The petitioner shall deposit **20% of the cheque**



CRL MP(MD) NO. 883 of 2025

amount i.e. a sum of **Rs.3,60,000/- (Rupees Three Lakhs and Sixty Thousand only)** to the credit of C.C.No.201 of 2014 on the file of the learned Fast Track Judicial Magistrate, Thoothukudi **on or before 25.02.2025**, failing which, the sentence suspended shall automatically dismissed, and the respondent is at liberty to execute the sentence imposed by the 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, Fast Track Court at Magistrate Level, Thoothukudi District;

(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;

(iv) The petitioner shall appear before the learned Fast Track Judicial Magistrate, Thoothukudi once in a



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CRL MP(MD) NO. 883 of 2025

month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders; and

(v) On such deposit, the learned Fast Track Judicial Magistrate, Thoothukudi shall re-deposit the said sum in a Nationalized Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in CrI.R.C.(MD) No.80 of 2025.

8. Issue notice to the respondent returnable on 26.02.2025. Private notice is also permitted.

9. List the matter on **26.02.2025** under the caption “for reporting compliance”.

sd/-
24/01/2025

/ TRUE COPY /

/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN

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CRL MP(MD) NO. 883 of 2025

TO COPY

- 1 THE IIND ADDITIONAL DISTRICT
AND SESSIONS JUDGE, THOOTHUKUDI.
- 2 THE FAST TRACK JUDICIAL MAGISTRATE, THOOTHUKUDI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

+1 CC to M/s.J.PANDI DORAI, Advocate (SR-791[I] dated 24/01/2025)

ORDER
IN
CRL MP(MD) No.883 of 2025
IN
CRL RC(MD) NO. 80 of 2025
Date :24/01/2025

SS/GSV/SAR-I/19/02/2025/ 6P/5C

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