



CRL MP(MD) No.11424 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.11424 of 2025
in
CRL RC(MD) No.1169 of 2025

S.Ramesh

... Petitioner

Vs

K.Muthusamy

... Respondent

For Petitioner: Mr.P.Muthuvijaya Pandiyan, Advocate

Prayer in CRL MP(MD).11424 of 2025 :

This Criminal Miscellaneous Petition filed under Section 432 of B.N.S.S. praying to enlarge the petitioner on bail by suspending the sentence imposed upon him in C.C. No.543 of 2013 dated 10.01.2023, on the file of the Judicial Magistrate cum Fast Track Court, Karur, in which confirmed by the order in C.A No.39 of 2023 dated 21.01.2025 on the file of the Principal District Court, Karur pending disposal of the criminal revision case.

ORDER

This Criminal Miscellaneous Petition has been filed to enlarge the petitioner on bail by suspending the sentence imposed upon him in C.C.No.543 of 2013 dated 10.01.2023, on the file of the Judicial Magistrate cum Fast Track Court, Karur, in which confirmed by the order in C.A No.39 of 2023 dated 21.01.2025 on the file of the Principal District Court, Karur pending disposal of the criminal revision case.



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2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.4,50,000/- from the respondent on 15.03.2013 agreeing to repay the same with interest at the rate of Rs.1.00/- per hundred per month and had issued post dated cheque bearing number 044498 for an amount of Rs.4,50,000/- dated 29.07.2013. When the respondent has presented the cheque for collection on 29.07.2013, the same was returned as "Funds Insufficient" on 29.07.2013. Therefore, the respondent has sent legal notice on 05.08.2013 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 10.08.2013. Despite receiving the notice, the petitioner had neither sent a reply nor repay the said 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.543 of 2013 for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of 6 months and also directed to pay a compensation of Rs.4,50,000/- within one month, in default, to undergo Simple Imprisonment for one month. Challenging



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the above said conviction and sentence, the petitioner has filed an appeal in
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Crl.A.No.39 of 2023 on the file of the Principal District Court, Karur and the learned
Principal District Judge, Karur, 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 hearing



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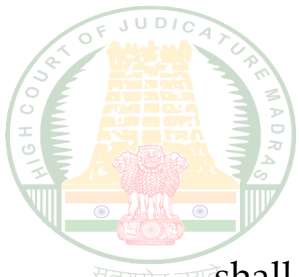
in the near future and as such, this Court is of the considered view that the petitioner
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herein is entitled to the relief of grant of suspension of sentence.

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 cum Fast Track Court, Karur;

(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



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shall appear before the trial Court on any other day in lieu of the date of
his absence, as directed by the trial Court.

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

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TO

- 1 The Principal District Judge,
Karur.
- 2 The Judicial Magistrate Cum Fast Track Court,
Karur.
- 3 Do Through the Chief Judicial Magistrate,
Karur District.

ORDER
IN

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in

CRL RC(MD) No.1169 of 2025
Date :26/08/2025

AS/02.09.2025/5P/4C

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