



CRL MP(MD) NO. 14207 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21-01-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 14207 of 2024

IN

CRL RC(MD) NO. 1402 OF 2024

T.G.Karthick
S/o. T. Ganesan, Sen Saviyar Street,
Old Kuyavarpalayam Road,
Madurai.

Petitioner

Vs.

K.Sabarisen,
S/o. Karuppaiah, Door No.23/28, Gramachavadi Street,
Cumbum, Uthamapalayam Taluk, Theni District.

Respondent

For Petitioner : Mr.V.Santhakumaresan, Advocate
For Respondent : Mr.M.Shakul Hameed, Advocate

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in Criminal Appeal No.105 of 2022, dated 21.10.2024 on the file of the learned Additional District Judge (Fast Track Court), Theni, confirming the judgment, dated 18.10.2022 passed in S.T.C.No.11 of 2021 on the file of the learned Judicial Magistrate, Fast Track Court, Uthamapalayam and enlarge the petitioner on

<https://www.mhc.tn.gov.in/judis>



CRL MP(MD) NO. 14207 of 2024

bail pending disposal of the Criminal Revision Case.

WEB COPY

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 18.10.2022 for the offence under Section 138 of the Negotiable Instrument Act, and the trial Court sentenced him to undergo simple imprisonment for a period of one year and to pay a cheque amount of Rs.6,50,000/- (Rupees Six Lakhs Fifty Thousand only) as compensation to the respondent, in default, to undergo simple imprisonment for a period of 3 months in S.T.C.No.11 of 2021 on the file of the learned Judicial Magistrate, Fast Track Court, Uthamapalayam.

3. The learned Additional District Judge (Fast Track Court), Theni, confirmed the conviction and sentence, and dismissed the Criminal Appeal No.105 of 2022, dated 21.10.2024. 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 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 is ready to deposit Rs.1,00,000/- (Rupees One lakh only) to show his bonafide.



CRL MP(MD) NO. 14207 of 2024

WEB COPY

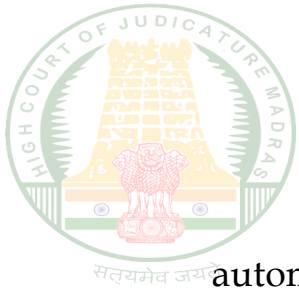
5. The learned counsel appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

6. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

7. 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.

8. 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 a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of S.T.C.No.11 of 2021 on the file of the learned Judicial Magistrate, Fast Track Court, Uthamapalayam on or before 21.02.2025, failing which, the sentence suspended shall



CRL MP(MD) NO. 14207 of 2024

WEB COPY

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, Uthamapalayam;

(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, Fast Track Court, Uthamapalayam once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

(v) On such deposit, the learned Judicial Magistrate, Fast Track Court, Uthamapalayam; 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 CrI.R.C.(MD)No.1402 of 2024.



CRL MP(MD) NO. 14207 of 2024

9. List the matter on 24.02.2025 under the caption “for reporting compliance”.

WEB COPY

sd/-
21/01/2025

/ TRUE COPY /

/01/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD

TO

1 THE ADDITIONAL DISTRICT JUDGE
(FAST TRACK COURT), THENI.

2 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

ORDER
IN
CRL MP(MD) NO. 14207 of 2024
IN
CRL RC(MD) NO. 1402 OF 2024
Date :21/01/2025

SA/GSV/SAR. /29.01.2025/5P/4C

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