



CRL MP(MD) NO. 12423 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27-01-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 12423 of 2024

IN

CRL RC(MD) NO. 1182 of 2024

M.P.Mohan

S/o.M.Periyakaruppan, Wrongly mentioned as Palanisamy,
No.6/25, Sundar Illam, Sokkalingapuram, Thuvakudimalai,
Trichy.

Petitioner(s)

Vs

J.K.Zakirudeen

S/o.Karieenmudeen, No.206/1, 17th Street, Ex.Servicement
Colony, Ponmalai, Trichy 4.

Respondent(s)

For Petitioner(s):

Mr.C.Jeganathan, Advocate

For Respondent :

Mr.T.A.Punithan, Advocate

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner/A3 by the learned Judicial Magistrate No.IV, Tiruchirapalli in S.T.C.No.408 of 2016 dated 04.03.2020, which was confirmed by the learned Principal District and Sessions Judge, Tiruchirapalli in Criminal Appeal No.43 of 2020 dated 14.10.2024, pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.1182 of 2024.



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2. The learned counsel appearing for the petitioner submitted that the petitioner/A3 has been convicted by the trial Court on 04.03.2020 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 a fine of Rs.2,00,000/- (Rupees Two Lakhs only), in default, to undergo simple imprisonment for a period of one month in S.T.C.No.408 of 2016 on the file of the learned Judicial Magistrate No.IV, Tiruchirapalli.

3. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.43 of 2020 on the file of the learned Principal District and Sessions Judge, Tiruchirapalli. By a judgment, dated 14.10.2024, the learned Principal District and Sessions Judge, Tiruchirapalli, by confirming the conviction and sentence imposed by the trial Court, dismissed the appeal. Being dissatisfied with the said conviction and sentence, 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



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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 is ready to deposit 50% of the compensation amount i.e., a sum of Rs.1,00,000/- (Rupees One Lakh 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 :



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(i) The petitioner shall deposit 50% of the compensation amount i.e., **a sum of Rs.1,00,000/- (Rupees One Lakh only)** to the credit of S.T.C.No.408 of 2016 on the file of the learned Judicial Magistrate No.IV, Tiruchirapalli **on or before 26.02.2025**, 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 Judicial Magistrate No.IV, Tiruchirapalli;

(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.IV, Tiruchirapalli 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 No.IV,



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Tiruchirapalli 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.1182 of 2024.

8. Issue notice to the respondent returnable on 27.02.2025. Private notice is also permitted.

9. List the matter on **27.02.2025** under the caption “for reporting compliance”.

sd/-
27/01/2025

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

MKN

TO

- 1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, TIRUCHIRAPPALLI.
- 2 THE JUDICIAL MAGISTRATE NO.IV
TIRUCHIRAPPALLI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.



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ORDER

IN

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IN

CRL RC(MD) NO. 1182 of 2024

Date :27/01/2025

SS/SKN/SAR- /17/02/2025/ 6P/4C

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