



CRL RC(MD) NO. 170 OF 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07-02-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos. 1667 and 1669 of 2025

IN

CRL RC(MD) NO. 170 OF 2025

V.Aachi Thangathamilarasi
W/o.Vellaiyan @ Velu,
No.1,33 Sorgavasal Street,
C.N.Village, Tirunelveli District.

..Petitioner/Petitioner

in Crl.M.P.(MD) Nos. 1667 and 1669 of 2025

Vs

S.Murugeswari
W/o.Senthilsudhan,
G2, Anantha Sundari Apartment,
Indira Colony, Vannarpettai,
Palayamkottai, Tirunelveli.

... Respondent /Respondent

in Crl.M.P.(MD) Nos. 1667 and 1669 of 2025

For Petitioner : Mr. Senthil. M.P, Advocate (in both cases)

For Respondent : Mr.A.Balakrishnan, Advocate (in both cases)



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ORDER

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The above petition has been filed to suspend the sentence imposed on the petitioner by the Special Court for Exclusive Trial of NI Act, Tirunelveli, in S.T.C.No.394 of 2020, dated 16.10.2023, which was confirmed by the learned IV Additional District Judge, Tirunelveli, in C.A.No.185 of 2023, dated 28.02.2024.

2. The case of the respondent/complainant is that the petitioner/accused demanded money from the respondent/complainant for renovation of her house and agreed to repay the amount within one or two months; that the respondent gave a cheque for the amount of Rs.3,50,000/- vide cheque No.112559 drawn on IDBI Bank, Tirunelveli, dated 30.12.2014 to the petitioner/accused, that after the demand made by the complainant on various dates, the petitioner has issued a cheque dated 05.10.2016; that when the complainant has presented the cheque for collection on 22.12.2016, the same was returned on the same day with reason "Funds Insufficient", that the complainant has then sent a legal notice, dated 06.01.2017 to the petitioner demanding repayment of the amount covered by the cheque, that the petitioner/accused has failed to receive it and it has been returned as unclaimed on 22.07.2017 and that thereafter the complainant has filed a private complaint for the offence under Section 138 of Negotiable Instruments Act.



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3. The learned counsel appearing for the petitioner would submit that the petitioner has been convicted by the trial Court for the alleged offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and to pay a compensation of Rs.2,70,000/-, in default, to undergo two months simple imprisonment.

4. Challenging the above said conviction and sentence, the petitioner has filed an appeal in CrI.A.No.185 of 2023 on the file of the learned IV Additional District Judge, Tirunelveli. The learned IV Additional District Judge confirming the conviction and sentence, dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision along with the instant miscellaneous petition seeking suspension of sentence.

5. 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.

6. This Court has carefully considered the contentions put forward by the learned counsel appearing for the petitioner and also perused the materials available on record.



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

8. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall deposit 60% of the compensation amount on or before 07.03.2025 to the credit of S.T.C.No.394 of 2020 on the file of the Special Court for Exclusive Trial of NI Act, Tirunelveli, failing which the sentence suspended shall automatically dismissed and the concerned jurisdictional police 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 Judge, Special Court for Exclusive Trial of NI Act, Tirunelveli;



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(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 trial Court once in a month i.e., on the first working day of every English calendar month 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 317 of Cr.P.C and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court. Consequently, Crl.MP(MD)No.1669 of 2025, is dismissed.

9. Post the matter on 10.03.2025 'for reporting compliance'.

Sd/-
07/02/2025

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



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TO

- 1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF
NEGOTIABLE INSTRUMENTS ACT,
TIRUNELVELI.
- 2 THE IV ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI.

ORDER IN
CRL MP(MD) Nos. 1667 and 1669 of 2025
IN
CRL RC(MD) NO. 170 OF 2025
Date :07/02/2025

ES/VR/SAR /28.02.2025/6P/3C

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