



CRL RC(MD) NO. 143 OF 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10-02-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) NOS. 1492 & 1494 of 2025

IN

CRL RC(MD) NO. 143 OF 2025

S. Manimegalai
W/o.Subburaj, No.19B, Koodalinga Nagar Street,
Thiruthangal, Sivakasi,
Virudhunagar District.

...Petitioner / Appellant / Accused

Vs

R. Ramakrishnan
S/o.M.Ramasamy, No.5, Ahimsapuram,
New Vishalam 5th Street,
Sellur, Madurai.

... Respondent / Respondent / Complainant

For Petitioner:

Mr.D.Rameshkumar, Advocate

For Respondent:

Mr.P.M.Vishnuvarthanan, Advocate

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed (i) to suspend the

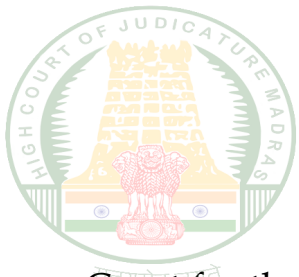


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sentence imposed on the petitioner by the learned Judicial Magistrate No.I / FTC at Magisterial Level, Madurai in S.T.C.No.220 of 2017, dated 05.03.2022, which was confirmed by the learned V Additional District and Sessions Judge, Madurai, in Crl.A.No.17 of 2022, dated 12.03.2024 and (ii) to exempt the petitioner to surrender before the trial Court.

2. The case of the respondent/complainant is that the petitioner/accused borrowed a sum of Rs.2,00,000/- from the respondent on 15.03.2015 and agreed to pay interest at the rate of 2% per month, that since the petitioner has not paid interest till July 2016, the respondent approached the petitioner for repayment of the borrowed amount along with interest, for which the petitioner issued a cheque dated 30.08.2016 for a sum of Rs.3,00,000/- (Rupees Three Lakhs only), that when the respondent has presented the cheque for collection, the same was returned with reason "Insufficient Funds" on 01.09.2016, that the respondent has then sent a statutory notice dated 10.09.2016 to the accused, the same was returned unserved on 14.09.2016 with the postal endorsement 'RTS' and that 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



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Court for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of six months under Section 255(2) of Cr.P.C and also directed to pay a compensation of Rs.3,00,000/- (Rupees Three Lakhs only) under Section 357(3) of Cr.P.C., in default, to undergo two months Simple Imprisonment. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.17 of 2022 on the file of the learned V Additional District and Sessions Judge, Madurai. Due to the non appearance of the petitioner, the learned Sessions Judge dismissed the appeal for non-prosecution. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petitions.

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. He would submit that the petitioner is ready to deposit some portion of the amount.

5. 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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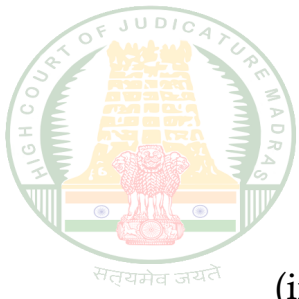
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6. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing 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.

7. In the result, the Criminal Miscellaneous Petition in CrI.M.P.(MD)No.1492 of 2025 is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall deposit 50% of the compensation amount to the credit of S.T.C.No.220 of 2017, before the Judicial Magistrate No.I / FTC at Magisterial Level, Madurai, on or before 10.03.2025;

(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 No.I / FTC at Magisterial Level, Madurai;



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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 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.

8. Accordingly, Crl.M.P.(MD)No.1494 of 2025 is dismissed.

9. Post the matter on 11.03.2025 under the caption 'for reporting compliance'.

sd/-
10/02/2025

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12/02/2025
Sub-Assistant Registrar (WRITS)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MGA

TO

1.THE JUDICIAL MAGISTRATE NO.I / FTC AT MAGISTERIAL LEVEL,
MADURAI,

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



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI

ORDER
IN
CRL MP(MD) No.1492 of 2025
IN
CRL RC(MD) No.143 of 2025
Date :10/02/2025

RK(12/02/2025) 6P / 4C

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