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CRL MP(MD) NO. 18220 of 2025
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-12-2025

CORAM

THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD) NO. 18220 of 2025

IN

CRL RC(MD) NO. 1473 OF 2025

R.Krishnakumar

Petitioner(s)

Vs

Rajendran

Respondent(s)

For Petitioner(s):

S.Muniyandi

Prayer:

To Suspend the Sentence passed in C.A.No.55 of 2023 on the file of the learned Additional District Judge (FTC), Theni dated 11.11.2024 confirmed the judgement passed by the learned Judicial Magistrate, Bodinayakanur in S.T.C.No.5 of 2018, dated 14.03.2023 pending disposal of the criminal revision petition.

ORDER

Heard Mr.S.Muniyandi learned Counsel for the petitioner.

2.This Criminal Miscellaneous Petition has been filed, praying to suspend the sentence imposed upon the petitioner by the learned Judicial Magistrate, Bodinayakanur in S.T.C.No.5 of 2018 dated 14.03.2023 which was confirmed by the learned Additional



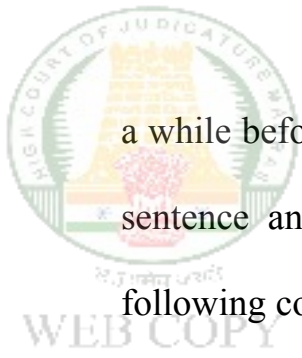
District Judge (FTC), Theni in Crl.A.No.55 of 2023, dated 11.11.2024.

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3.Learned counsel for the petitioner would submit that the petitioner was convicted by the Judicial Magistrate, Bodinayakanur for offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.5 of 2018 dated 14.03.2023 and sentenced him to undergo one year Simple Imprisonment and to pay compensation of Rs.5,00,000/- to the respondent. Aggrieved petitioner filed criminal appeal in Crl.A.No. 55 of 2023 before the Additional District Judge (FTC), Theni and the lower Appellate Court, by the judgment dated 11.11.2024 dismissed the appeal confirming the conviction and sentence passed by trial Court. Aggrieved petitioner filed Crl.R.C.(MD)No.1473 of 2025 before this Court along with instant miscellaneous petitions seeking suspension of sentence.

4.Learned Counsel for petitioner would further submit that petitioner has raised substantial grounds in the above revision, which requires consideration; and that to show his bonafides, petitioner is willing to deposit 50% of the cheque amount before the trial Court. The petitioner is now confined at Central Prison, Madurai. Hence, he prayed for granting suspension of sentence to the petitioner.

5.Considering the fact that there are arguable points raised in revision and taking into consideration, facts and circumstances of the case and that it is likely to take



a while before the revision is finally heard¹, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the trial court, on the following conditions, till the disposal of the above Criminal Revision:

i) Petitioner is directed to deposit 50% of the cheque amount to the credit of S.T.C.No.5 of 2018 dated 14.03.2023 on the file of judicial Magistrate, Bodinayakanur, within a period of four weeks from the date of receipt of a copy of this order, failing which the sentence suspended shall stand automatically vacated and respondent is at liberty to execute the sentence imposed by the trial Court against petitioner in the manner known to law;

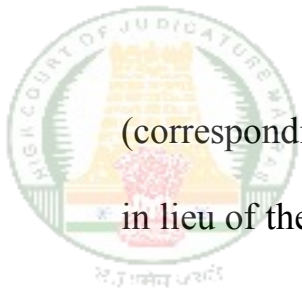
(ii) On such deposit, petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of Judicial Magistrate, Bodinayakanur;

iii) Petitioner and sureties shall affix their photographs and Left Thumb Impression in the bond and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity;

iv) Petitioner shall appear and sign before Judicial Magistrate, Bodinayakanur, on the first working day of every month at 10.30 a.m., until the disposal of the revision;

v) In case, if petitioner 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.

¹ Atul Alias Ashutosh vs State of Madhya Pradesh, (2024) 3 SCC 663



(corresponding to 355 B.N.S.S) 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.

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6. Accordingly, this Criminal Miscellaneous Petition is **ordered**.

02-12-2025

LR

Note: Issue order copy on .12.2025

To

1. The Judicial Magistrate, Bodinayakanur.
2. The Additional District Judge (FTC), Theni.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

The Superintendent, Central Prison, Madurai.