



CRL RC(MD) NO.242 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26-02-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

**CRL MP(MD) NOs.2524 and 2525 of 2025
in**

CRL RC(MD) NO.242 of 2025

Manikandan

Petitioner

Vs

R.Ajithkumar

Respondent

For Petitioner :

Mr.B.Anandan, Advocate

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed (i) to suspend the sentence and the compensation imposed on the petitioner/sole accused by the learned Judicial Magistrate, Fast Track Court, Thanjavur @ Pattukottai, in S.T.C.No.148 of 2022, dated 31.05.2024, which was confirmed by the learned III Additional District and Sessions Judge, Thanjavur @ Pattukkottai, in Crl.A.No.136 of 2024, dated 19.08.2024 and (ii) to exempt the petitioner to surrender before the trial Court.

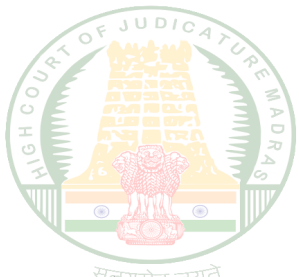


CRL RC(MD) NO.242 of 2025

WEB COPY

2. The case of the respondent/complainant is that the petitioner borrowed a sum of Rs.8,50,000/- from the respondent on 09.03.2022 agreeing to repay the same within three months, that after repeated requests, the petitioner has issued a post-dated cheque dated 03.08.2022 to the respondent, that when the respondent has presented the cheque for collection on 03.08.2022, the same was returned with reason "Account Blocked (Situation covered in 21-25)", that the respondent has then sent a legal notice dated 10.08.2022 to the petitioner demanding repayment of the amount covered by the cheque but the same was returned as refused 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 Court for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of one year and also directed to pay a compensation of Rs.8,50,000/- within two months under Section 357 (3) Cr.P.C., in default, to undergo Simple Imprisonment for a period of three months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.136 of 2024 on the file of the III Additional District and Sessions Court,



CRL RC(MD) NO.242 of 2025

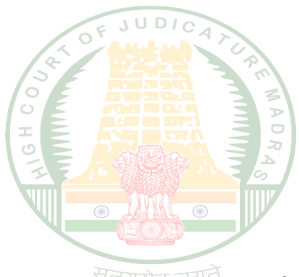
Thanjavur @ Pattukkottai.
WEB COPY

The learned Sessions Judge confirmed the conviction and sentence and dismissed the appeal. 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 further submit that the petitioner has not paid any amount till now and that the petitioner is ready to deposit some portion of the compensation 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.

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



CRL RC(MD) NO.242 of 2025

WEB COPY

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 Crl.M.P.(MD)No.2524 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 75% of the compensation amount i.e., **Rs.6,37,500/- (Rupees Six Lakhs Thirty Seven Thousand and Five Hundred only)** on or before **26.03.2025** to the credit of S.T.C.No.148 of 2022 on the file of the Fast Track Court (Magisterial Level), Pattukkottai, Thanjavur District, 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 Fast Track Court (Magisterial Level), Pattukkottai, Thanjavur District;



CRL RC(MD) NO.242 of 2025

WEB COPY

(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.

8. Accordingly, Crl.M.P.(MD)No.2525 of 2025 is **dismissed**.

9. Post the matter on **27.03.2025** 'for reporting compliance'.

sd/-
26/02/2025

/ TRUE COPY /

/03/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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



CRL RC(MD) NO.242 of 2025

WEB COPY

1 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, THANJAVUR AT PATTUKOTTAI.

2 THE FAST TRACK JUDGE
(MAGISTERIAL LEVEL), PATTUKKOTTAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

ORDER
IN
CRL MP(MD) NOs.2524 and 2525 of 2025
in
CRL RC(MD) NO.242 of 2025
Date :26/02/2025

SS/GSV/SAR- /10/03/2025/ 6P/4C

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