



CRL MP(MD) NO. 14370 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-01-2025

CORAM
THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 14370 of 2024
IN
CRL RC(MD) NO. 1417 OF 2024

Mangayarkarasi
W/o. Palaniyappan, Mariamman Kovil Veethi,
Kambar Street, Devakottai Town,
Sivagangai District.

...Petitioner

Vs

Subramanian
S/o. Ramanathan,
Door No.55/61, Kandadevi Road, Devakottai Town,
Sivagangai District.

...Respondent

For Petitioner:
Mr.J.Anandkumar, Advocate

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate, Devakottai, in S.T.C.No.160 of 2018, dated 17.11.2022, which was confirmed by the learned Principal Sessions Judge, Sivagangai in Criminal Appeal No.63 of 2022 dated 04.10.2024, pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.1417 of 2024.



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2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 17.11.2022 for the offence under Section 138 of Negotiable Instruments Act, and the trial Court sentenced him to undergo simple imprisonment for a period of six months and to pay a cheque amount of Rs.9,50,000/- (Rupees Nine Lakhs and Fifty Thousand only) as compensation to the respondent within a period of two months from the date of judgment, in default, to undergo simple imprisonment for a period of one month in S.T.C.No.160 of 2018 on the file of the learned Judicial Magistrate, Devakottai.

3. The learned Principal Sessions Judge, Sivagangai confirmed the conviction and sentence, and dismissed the Criminal Appeal No.63 of 2022, dated 04.10.2024. Challenging the same, 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 infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses. Further, he submitted



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that the petitioner is ready to deposit 20% of the cheque amount i.e. a sum of Rs.1,90,000/- (Rupees One Lakh and Ninety Thousand 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 :

(i) The petitioner shall deposit 20% of the cheque amount i.e. a sum of

Rs.1,90,000/- (Rupees One Lakh and Ninety Thousand only) to the credit of

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



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S.T.C.No.160 of 2018 on the file of the learned Judicial Magistrate, Devakottai on or before 06.02.2025, 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 learned Judicial Magistrate, Devakottai.

(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;

(iv) The petitioner shall appear before the learned Judicial Magistrate, Devakottai 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

(v) On such deposit, the learned Judge, learned Judicial Magistrate, Devakottai 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 Crl.R.C.(MD)No.1417 of 2024.

8. Issue notice to the respondent returnable on 07.02.2025. Private notice is also permitted.

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9. List the matter on 07.02.2025 under the caption “for reporting compliance”.

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

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TO

1.THE PRINCIPAL SESSIONS JUDGE, SIVAGANGAI.

2.THE JUDICIAL MAGISTRATE, DEVAKOTTAI

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-26[I] dated 02/01/2025)

ORDER
IN
CRL MP(MD) NO. 14370 of 2024
IN
CRL RC(MD) NO. 1417 OF 2024
Date :02/01/2025

RK/GSV(22/01/2025) 5P / 5C

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