

CRL MP(MD) No.10300 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.10300 of 2025

in

CRL RC(MD) No.986 of 2025

M.Sundar

... Petitioner

Vs

M.Xavier Raja Dev

... Respondent

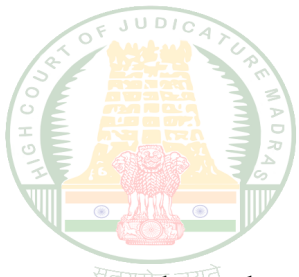
For Petitioner: Mr.G.Karuppasamy Pandiyan, Advocate

Prayer in CRL MP(MD).10300 of 2025 :

This Criminal Miscellaneous Petition filed under Section 432 of B.N.S.S. praying to suspend the sentence in C.A.No.57 of 2012 dated 17.06.2025 on the file of Sessions Fast Track Mahila Court, Nagercoil which confirmed the judgment of conviction and sentence in C.C.No.159 of 2012 dated 12.07.2012 on the file of Judicial Magistrate (Fast Track) No.I, Nagercoil pending disposal of this criminal revision case.

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence in C.A.No.57 of 2012 dated 17.06.2025 on the file of Sessions Fast Track Mahila Court, Nagercoil confirming the judgment of conviction and sentence in C.C.No.159 of 2012 dated 12.07.2012 on the file of Judicial Magistrate (Fast Track) No.I, Nagercoil



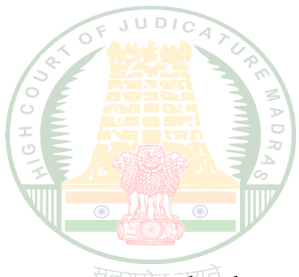
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pending disposal of this criminal revision case.

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2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.2,50,000/- from the respondent on 01.12.2009 and he had issued a cheque, dated 21.12.2009. When the respondent has presented the cheque for collection on 24.05.2010, the same was returned with reason "Insufficient funds" on 25.05.2010. Hence, the respondent has sent legal notice on 09.06.2010. As the petitioner had not received the said notice, it was returned on 15.06.2010 with the endorsement 'unclaimed'. The petitioner has not repaid his debt amount to the complainant. 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 in C.C.No.159 of 2012 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.2,50,000/-, in default, to undergo Simple Imprisonment for a period of 3 months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in CrI.A.No.57 of 2012 on the file of the Sessions Fast Track Mahila Court, Nagercoil and the learned Sessions Fast Track Mahila Court, Nagercoil, by confirming the conviction and sentence, dismissed the appeal. Being dissatisfied with the dismissal of the



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appeal, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petition seeking suspension of sentence.

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.

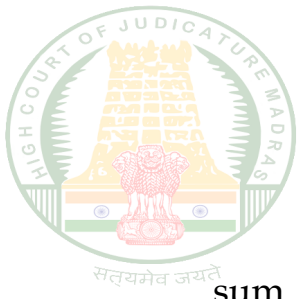
5. This Court has carefully considered the contentions put forth by the learned counsel appearing for the petitioner and also perused the materials available on record.

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

(i) 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



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sum to the satisfaction of the Judicial Magistrate (Fast Track) No.I,
Nagercoil ;

(ii) 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

(iii) The petitioner shall appear before the Trial Court once in all working days 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 355 B.N.S.S. (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.

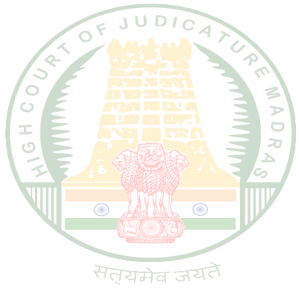
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06/08/2025

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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 Sessions Judge, Fast Track Mahila Court, Nagercoil.



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2.The Judicial Magistrate (Fast Track) No.I, Nagercoil.

3.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

ORDER

IN

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Date :06/08/2025

SBN/08.08.2025 5P/4C

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