



CRL.MP(MD).No.4300 of 2026
in
CRL.RC(MD).No.350 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2026

CORAM

THE HONOURABLE MR.JUSTICE N.GUNASEKARAN

CRL.MP(MD).No.4300 of 2026
in
CRL.RC(MD).No.350 of 2026

Rajam

... Petitioner / Petitioner

Vs.

Spargon

... Respondent / Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 528 of the B.N.S.S., to suspend the sentence imposed upon the revision petitioner by the judgment dated 20.11.2025 passed by the learned Sessions Court (Fast Track Mahila Court), Nagercoil in C.A.No.112 of 2005 confirming the judgment dated 22.03.2005 passed by the learned Judicial Magistrate No.II, Nagercoil, in C.C.No.508 of 2002, enlarge the petitioner on bail pending disposal of the main Criminal Revision Case.

For Petitioner : Mr.S.Sonai Muthu



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in C.A.No.112 of 2005 dated 20.11.2025 on the file of the Sessions Court (Fast Track Mahila Court), Nagercoil confirming the judgment passed in C.C.No.508 of 2002 dated 22.03.2005 on the file of the Judicial Magistrate No.II, Nagercoil sentencing the petitioner to undergo simple imprisonment for a period of six months and directed to pay a fine of Rs.5,000/-, failing which the petitioner shall undergo simple imprisonment for three months and enlarge the petitioner on bail.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 22.03.2005 for the offence under Section 138 of the Negotiable Instruments Act, 1881, and the trial Court sentenced him to undergo simple imprisonment for six months and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a period of three months, in C.C.No.508 of 2002 on the file of the learned Judicial Magistrate No.II, Nagercoil.



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3. The learned Sessions Court (Fast Track Mahila Court), Nagercoil, confirmed the conviction and sentence, and dismissed the C.A.No.112 of 2005, dated 20.11.2025. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.

4. The learned counsel appearing for the petitioner would submit that there exist a several infirmity in the case of the complainant and would further submit that the petitioner had already deposited the entire amount of Rs.2,45,000/- with the Trial Court in pursuant to the order of this Court dated 22.07.2026 and in evidence thereof, a memo along with a photocopy of foil is also filed and recorded.

5. On consideration of such contentions advanced on behalf of the petitioner and perusal of records and noticing many arguable points involved in this Criminal Revision and the bonafides expressed by the petitioner, this Court is of the considered view that the petitioner herein



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is entitled to the relief of suspension of sentence.

6. 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 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.II, 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 learned trial Court, on all working days at 10.30 a.m., until further orders.

8. Notice.

19.08.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Sessions Court (Fast Track Mahila Court),
Nagercoil.
- 2.The Judicial Magistrate No.II,
Nagercoil.
- 3.Do through the Chief Judicial Magistrate,
Kanniyakumari District.



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N.GUNASEKARAN, J.

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