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CRL MP No. 18368 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 18368 of 2025

IN

CRL RC NO. 1891 OF 2025

A.K.Shaik Ismail

S/o.Abdul Kathar, Old No.3, New No.5,
2nd Cross, Thiru Vi Ka Nagar,
MUthaliyarpuram, Pondicherry

Petitioner(s)

Vs

M.Fathima Begum

W/o.A.Abdul Malik, NO.16A,
Pillayarkoil Street, Karumarapettai,
Manjakuppam, Cuddalore.

Respondent(s)

PRAYER

To suspend the sentence imposed in STC.NO.111 of 2015 on the file of the Judicial Magistrate No.II, Cuddalore dated 26.07.2024 and confirmed by the Judgment made in CA.NO.54 of 2024 on the file of the I Additional District and Sessions Judge, Cuddalore Dated 28.07.2025 and release him on bail pending disposal of the above Criminal Revision.

For Petitioner(s): Mr. N.R.Rajagopalan

**ORDER**

WEB COPY This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed in S.T.C.No.111 of 2015 on the file of the learned Judicial Magistrate No.II, Cuddalore dated 26.07.2024 and confirmed by the Judgment dated 28.07.2025 passed in C.C.No.54 of 2024 on the file of learned I Addl. District and Sessions Judge, Cuddalore and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in S.T.C No. 111 of 2015 on the file of the learned Judicial Magistrate No.II, Cuddalore. He was found guilty of the offence under Section 138 of the Negotiable Instruments Act and he has been convicted and sentenced to undergo simple imprisonment for a period of two years and awarded to pay the compensation of Rs.13,00,000/-, in default, to undergo simple imprisonment for the period of three months. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.54 of 2024 before the learned I Addl. District and Sessions Court, Cuddalore, by an order dated 26.07.2024, had dismissed the above appeal, confirming the judgment and sentence imposed by the trial Court. Aggrieved by the same, the present revision has been filed.

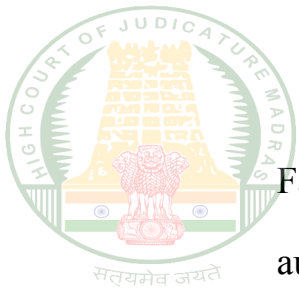


3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Revision Case and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide any condition to be imposed by this Court.

4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. Considering the submissions of the learned counsel for the petitioner, coupled with the quantum of punishment imposed upon the petitioner and taking into consideration the fact that this criminal revision is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on the following conditions:

- (i) the petitioner shall deposit another sum of Rs.4,00,000/- (Rupees four lakhs only) to the credit of S.T.C.No.111 of 2016 on the file of learned **Judicial Magistrate No.II, Cuddalore**, within a period of six weeks from today.



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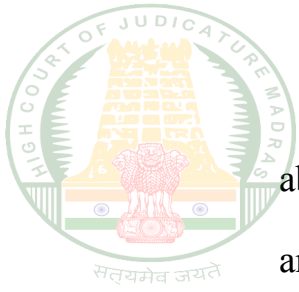
Failing which, the order passed by this Court shall stand automatically cancelled. On such deposit being made, the respondent is permitted to withdraw the said amount as well as the earlier deposit of amount of Rs.2,50,000/- before the court below on filing undertaking affidavit;

(ii) On the failure of the petitioner/accused depositing the above said amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

(iii) On the petitioner depositing the amount as stated clause (i) supra, the sentence of imprisonment alone, imposed on the petitioner/accused, shall be suspended, on his execution of a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;

(iv) The petitioner and 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 and mobile numbers to ensure their identity;

(v) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision petition and if he is not



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able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 355 of BNSS, 2023 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;

6. With the above directions, this Criminal Miscellaneous Petition is ordered.

06-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. I Addl. District and Sessions Judge, Cuddalore.

2. Judicial Magistrate No.II, Cuddalore.



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T.V.THAMILSELVI J.

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