



WEB COPY

CRL MP No. 19904 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 19904 of 2025

IN

CRL RC NO. 2148 OF 2025

MALLIGA

W/o.Late R.Suresh, West Thottam,
Nachipudur, Kalappanaickkanpatty
Post, Senthamangalam Taluk,
Namakkal District.

Petitioner(s)

Vs

SENTHILRAJA

S/o.Late Selvaraj, Door No.9A,
Pottanam Village, Senthamangalam
Taluk, Namakkal District.

Respondent(s)

For Petitioner(s): M/s.S.Senthil

For Respondent: Dr.C.E.Pratap
Government Advocate(Crl.Side)

PRAYER:To suspend the sentence imposed on the petitioner by the judgement dated 04.12.2024 passed by the 1st Additional District and Sessions Court, Namakkal in C.A.No.93 of 2023, by confirming the judgment dated 05.04.2023 passed by the Judicial Magistrate-I, Namakkal in C.C.No.141 of 2020.



ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend the sentence imposed upon the petitioner by the judgement dated 04.12.2024 passed by the I Additional District and Sessions Court, Namakkal, in C.A.No.93 of 2023, by confirming the judgement dated 05.04.20223 passed by the Judicial Magistrate-I, Namakkal in C.C.No.141 of 200 and enlarge the petitioner herein on bail pending disposal of the revision.

2. The petitioner herein is the accused in C.C.No.141 of 2020 on the file of the learned Judicial Magistrate-I, Namakkal. She was found guilty of the offence under Sections 138 and 142 of Negotiable Instrument Act and sentenced to undergo a simple imprisonment of 6 months and to pay a fine of Rs.18,00,000/-, against which, the present revision has been filed.

3. The learned counsel for the petitioner/accused would submit that the petitioner is a widow, she was falsely implicated in this case after the death of her husband. In fact, her husband, late Suresh, and the de facto complainant



knew each other for more than 15 years as family friends. In the course of a money transaction for medical education of her son, availed a loan from defacto complainant the alleged amount was transferred to her account by giving economic credibility. These cheque books were misused by the respondent after her husband's death, taking advantage of her situation. The petitioner is having strong case of defence to prove her case. The court below, without appreciating the entire facts, erroneously concluded that a legally enforceable debt existed. He further submitted that there are arguable points available in the Criminal revision and the petitioner/accused has got a fair chance of succeeding in the Criminal revision and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, further this Criminal revision is not likely to be taken up 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, the reliefs of suspension of sentence and bail is granted to the petitioner on the following conditions:

(a) Already, before the first appellate court, 20% of the cheque amount Rs.3,60,000/-(Rupees three lakhs sixty thousand) was deposited. Since the de facto complainant has also been appearing before the court from the year 2020, the petitioner is directed to deposit Rs.3,60,000/- (Rupees three lakhs sixty thousand) (20% of the cheque amount) to the credit of C.C.No.141 of 2020, on the file of the Judicial Magistrate-I, Namakkal, without prejudice her defence, within a period of four weeks from the date of receipt of a copy of this order.

(b) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, in which one surety must be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Namakkal.

(c) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.



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(d) The petitioner shall appear before the Trial Court on every Tuesday at 10.30 a.m., until the disposal of the Criminal revision and if she is not able to appear before the trial Court on any day, she 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.

(e) the defacto complainant is permitted to withdraw the amount, deposited by the petitioner, in C.C.No.141 of 2020, on the file of the Judicial Magistrate-I, Namakkal, on proper identification, in the manner known to law.

(f) the petitioner shall not keep or have any connection or communication with the victim family.

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

28-10-2025

Mpa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1. Judicial Magistrate-I, Namakkal.

2. The Public Prosecutor

High Court of Madras.



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T.V.THAMILSELVI J.
mpa

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