



Crl.M.P.Nos.23858 & 23861 of 2025
in Crl.R.C.No.2721 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.23858 & 23861 of 2025

in

Crl.R.C.No.2721 of 2025

Elavarasi

...Petitioner

-VS-

Manimegalai

...Respondent

PRAYER in Crl.M.P.No.23858 of 2025: Criminal Miscellaneous Petition filed under Section 438 of BNSS, to suspend the sentence imposed on the petitioner on Crl.A.No.173 of 2023 dated 02.09.2025 on the file of the learned Principal District and Sessions Court, Namakkal, which confirms the sentence and conviction imposed in C.C.No.869 of 2021 dated 29.11.2023 on the file of the learned Judicial Magistrate No.II, Namakkal, and enlarge the petitioner on bail till the disposal of the above criminal revision petition.

PRAYER in Crl.M.P.No.23861 of 2025: Criminal Miscellaneous Petition filed under Section 528 of BNSS, to grant exemption to the petitioner from surrendering in Crl.A.No.173 of 2023 dated 02.09.2025 on the file of the learned Principal District and Sessions Court, Namakkal, which confirms the sentence

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For Petitioner : Mr.K.Kathiresan

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner dated 02.09.2025 in CrI.A.No.173 of 2023 on the file of the learned Principal District and Sessions Court, Namakkal, by confirming the judgment dated 29.11.2023 made in C.C.No.869 of 2021 on the file of the learned Judicial Magistrate No.II, Namakkal, and enlarge the petitioner on bail, and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the above revision..

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3. The petitioner/Accused in C.C.No.869 of 2021 was convicted by the Trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for six months with compensation of a sum of Rs.5,00,000/-, in default, to undergo Simple Imprisonment for three months.

4. Challenging the above conviction and sentence, the petitioner/accused preferred an appeal in Crl.A.No.173 of 2023 before the learned Principal District and Sessions Court, Namakkal. The Appellate Court, vide judgment dated 02.09.2025, dismissed the appeal filed by the petitioner/accused and confirmed the conviction and sentence imposed by the Trial Court. Aggrieved by the judgment of the Appellate Court, the petitioner/accused has preferred the Criminal Revision Case.

5. The learned counsel for the petitioner/accused would submit that the petitioner has raised substantial grounds in the revision, which requires consideration and prayed for suspension of sentence, and exemption from surrendering before the Trial Court.



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6. Heard the learned counsel for the petitioner and perused the materials available on record.

7. Considering the submissions made by the learned counsel for the petitioner that there are substantial grounds in the above revision which requires consideration, this Court is inclined to suspend the sentence imposed on the petitioner and exempt the petitioner from surrendering before the Trial court, subject to the following conditions, till the disposal of the above Criminal Revision Case:

(i) The petitioner is ordered to be enlarged on bail, on condition that she shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only), with two sureties, each for a like sum to the satisfaction of the trial Court;

(ii) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m., until the disposal of the revision and if she is not able to appear before the Trial Court on that day, she shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of her absence as directed by the Trial Court;



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(iii) In the event of failure on satisfying the above conditions, this order would stand automatically cancelled.

8. Accordingly, these Criminal Miscellaneous Petitions are ordered

11.12.2025
(2/2)

cda

To

- 1.The Principal District and Sessions Court,
Namakkal.
- 2.The Judicial Magistrate No.II,
Namakkal.
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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