

CRL.M.P.(MD)No.10578 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.09.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.M.P.(MD)No.10578 of 2025 in
CRL.R.C.(MD)No.1027 of 2025

R.Vijayalatha,
W/o.C.Ramakrishnan,
No.14, Muthu Nagar,
Pudukottai Road, Thanjavur.

... Petitioner

vs.

A.Victor (Died)
1.D.V. Mercy
W/o.Late.A.Victor,
T.S.No.2828,
Nanjilkottai Road, Thanjavur.

2.Caroline
W/o.Late.A.Victor,
T.S.No.2828,
Nanjilkottai Road, Thanjavur.

3.Arul Yagappa
W/o.Late.A.Victor,
T.S.No.2828,
Nanjilkottai Road, Thanjavur.

4.Mariya Durairaj
W/o.Late.A.Victor,
T.S.No.2828,
Nanjilkottai Road, Thanjavur.

... Respondents



CRL.M.P.(MD)No.10578 of 2025

PRAYER: Criminal Miscellaneous Petition is filed under Section 438(1) of BNSS, 2023, to enlarge the petitioner bail on the petitioner by suspending the sentence imposed in C.A.No.21 of 2017 on the file of the learned 2nd Additional District and Sessions Court, Thanjavur, dated 21.09.2021 confirming the judgment of conviction and sentence made in C.C.No.266 of 2011 on the file of the Judicial Magistrate Court (Fast Track Court), Thanjavur, dated 27.02.2017 pending disposal of the above Revision.

For Petitioner :Mr.M.P.Senthil
For Respondents :Mr.A.Senthil Kumar

ORDER

The present Criminal Revision Petition has been filed with the following prayer:

“to set aside the judgment made in C.A.No.21 of 2017 on the file of the 2nd Additional District and Sessions Court, Thanjavur, dated 21.09.2021, confirming the judgment of conviction and sentence made in C.C.No.266 of 2011 on the file of the Judicial Magistrate Court (Fast Track Court), Thanjavur, dated 27.02.2017.”



CRL.M.P.(MD)No.10578 of 2025

2.The Co-ordinate Bench of this Court, in CRL.M.P.(MD)No.

10578 of 2025 in CRL.R.C.(MD)No.1027 of 2025, vide order, dated

19.08.2025, had passed the following order:

“This Criminal Miscellaneous Petition has been filed to Suspend the Sentence imposed on the petitioner in C.A.No.21 of 2017 on the file of the learned 2nd Additional District and Sessions Court, Thanjavur, dated 21.09.2021, confirming the judgment of conviction and sentence made in C.C.No.266 of 2011 on the file of the learned Judicial Magistrate Court (Fast Track Court), Thanjavur, dated 27.02.2017, pending disposal of the criminal revision petition.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 27.02.2017 for the offence under Section 138 r/w 142 of the Negotiable Instrument Act, 1881, and the trial Court sentenced her to undergo simple imprisonment for a six months and to pay a cheque amount of Rs.5,00,000/- (Rupees Five Lakhs only) as compensation to the respondent, in default, to undergo simple imprisonment for a period of one month as default sentence from the date of dishonor, in C.C.No.266 of 2011 on the file of the learned Judicial Magistrate Court (Fast Track Court), Thanjavur.

3.The learned 2nd Additional District and Sessions Court, Thanjavur, confirmed the conviction and sentence, and dismissed the C.A.No.21 of 2017, dated 21.09.2021. 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 for the petitioner submitted that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses. Further, he submitted that the petitioner is ready to deposit 20% of the compensation amount (i.e., Rs.1,00,000/- [Rupees One Lakh only]) to show her bonafide.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.



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CRL.M.P.(MD)No.10578 of 2025

6. *The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case, and also there are 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, and also considering the bonafide expressed by the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.*

7. *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 deposit a sum of Rs.1,00,000/- [Rupees One Lakh only] to the credit of C.C.No.266 of 2011 on the file of the learned Judicial Magistrate Court (Fast Track Court), Thanjavur, on or before 19.09.2025, failing which, the sentence suspended shall automatically dismissed, and the respondent is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law;*

(ii) *On such deposit, 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 Court (Fast Track Court), Thanjavur;*

(iii) *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*

(iv) *The petitioner shall appear before the learned Judicial Magistrate Court (Fast Track Court), Thanjavur, on all working days at 10.30 a.m., until further orders.*

(v) *On such deposit, the learned Judicial Magistrate Court (Fast Track Court), Thanjavur, shall re-deposit the said sum in a Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in Crl.R.C.(MD)No.1027 of 2025.*

9. *List the matter on 22.09.2025 under the caption “for reporting compliance.””*



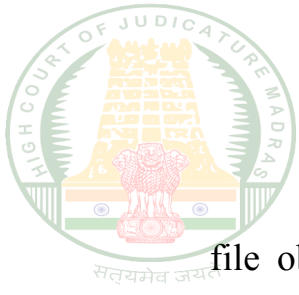
CRL.M.P.(MD)No.10578 of 2025

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3.Today, when the matter is being taken up, Mr.M.P.Senthil, learned Counsel for the petitioner submits that the petitioner has made compliance of all the conditions imposed by the Co-ordinate Bench of this Court, in CRL.M.P.(MD)No.10578 of 2025 in CRL.R.C.(MD)No. 1027 of 2025, vide order, dated 19.08.2025, and has deposited a sum of Rs.1,00,000/- to the credit of C.C.No.266 of 2011 on the file of the learned Judicial Magistrate Court (Fast Track Court), Thanjavur, on 10.09.2025. The learned Counsel for the petitioner has also produced the copy of the deposit receipt before this Court, which is taken on record.

4.Mr.A.Senthil Kumar, learned Counsel for the respondents submits that the petitioner has made compliance of all the conditions imposed by the Co-ordinate Bench of this Court, in CRL.M.P.(MD)No. 10578 of 2025 in CRL.R.C.(MD)No.1027 of 2025, vide order, dated 19.08.2025. The learned Counsel for the respondents prays three weeks time to file objection to the Criminal Revision Case.

5.Accordingly, considering the request made by the learned Counsel for the respondents, three weeks and no more time is granted to



CRL.M.P.(MD)No.10578 of 2025

file objection and thereafter, one week time is granted to the learned Counsel for the petitioner to file a reply to the objection filed by the respondents.

6.Put up this case “for final hearing” on 27.11.2025 before appropriate Bench along with trial Court records.

22.09.2025
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To

- 1.The 2nd Additional District and Sessions, Thanjavur.
- 2.The Judicial Magistrate (Fast Track Court), Thanjavur.



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CRL.M.P.(MD)No.10578 of 2025

SHAMIM AHMED, J.

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CRL.M.P.(MD)No.10578 of 2025
in
CRL.R.C.(MD)No.1027 of 2025

22.09.2025
(2/4)