



Crl.MP(MD)No.10398 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.MP(MD)No.10398 of 2025

in

Crl.RC.(MD)No.995 of 2025

Raja Palpandian,
S/o.(Late) Achappan,
College Nagar,
Paraimettu Street,
Uthamapalayam,
Theni District.

... Petitioner

Vs.

Chandradas,
S/o.(Late), Nallathambi,
D.No.4/4/148, 4th Ward,
Thomas Colony,
Water Tank Street,
Uthamapalayam,
Theni District.

... Respondent

Prayer : This Criminal Miscellaneous Petition filed under Section 438(1) of B.N.S.S. praying to suspend the Sentence passed by the Fast Track Court, Uthamapalayam in S.T.C.No.86/2022 dated 27.02.2023 confirmed in Criminal Appeal No.102/2023 dated 24.09.2024 by the Additional District (Fast Track) Court, Theni and enlarge the Petitioner on bail, till the disposal of the revision on such terms.



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For Petitioner : Mr.Niranjana S.Kumar

For Respondent : Mr.P.Santhosh Kumar

ORDER

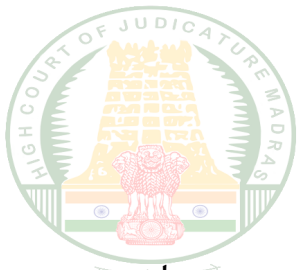
This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed upon the Petitioner, by the Fast Track Court, Uthamapalayam in S.T.C.No.86/2022 dated 27.02.2023 confirmed in Criminal Appeal No.102/2023 dated 24.09.2024 by the Additional District (Fast Track) Court, Theni.

2. Heard Mr.Niranjana S.Kumar, learned counsel for the Petitioner and Mr.P.Santhosh Kumar, learned counsel for the Respondent.

3. The Petitioner, who was the sole accused in S.T.C.No.86 of 2022 was convicted and sentenced by the trial court as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole Accused	U/s.138 of NI Act	To undergo 1 year simple imprisonment and to pay the sum of Rs.1,25,000/- as compensation to the Respondent/Complainant, in default, to undergo three months simple imprisonment

The judgment of conviction and sentence imposed on the Petitioner by the trial



court was confirmed by the Additional District (Fast Track) Court, Theni in Criminal
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Appeal No.102/2023 dated 24.09.2024. Challenging the above conviction and
sentence, the Petitioner has filed Criminal Revision Petition in Crl.RC(MD)No.995 of
2025 along with the instant miscellaneous petition, seeking suspension of sentence
and bail.

4. Mr.Niranjana S.Kumar, learned counsel for the petitioner submits that both
the Trial Court and the Lower Appellate Court failed to consider the defence raised
by the appellant in proper and perspective manner and also failed to consider the
oral evidence of DW2 and Ex-D4. Thus, the learned counsel submits that the Trial
Court as well as the Appellate Court failed to take into consideration the material
objects in a proper and respective manner and imposed the punishment of one year
imprisonment and directed the appellant to pay a sum of Rs.1,25,000/- to the
Respondent as compensation and failure of the same to undergo a sentence of three
months imprisonment. In view of the above, it was argued that the conviction
recorded by both the Courts is legally unsustainable. It was further argued that the
learned Trial Court as well as the Appellate Court also failed to notice the
discrepancies in the deposition of witnesses and the crystal part of the evidences
was not at all assessed by both the Courts below. It was further argued that the



judgment passed by both the courts below was based on surmises and conjectures
without considering the entire evidence on record.

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5. It was further argued that due to pendency of the criminal cases before this High Court, there is a blinking chance that in the near future, this criminal revision case will be finally heard and decided. He further submits that there are arguable points in this Revision and the petitioner has fair chance of success in this Criminal Revision Case. Thus, he prayed for suspension of sentence and be released on bail, till the disposal of this Criminal Revision Petition as the Petitioner was already granted bail during trial.

6. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision petitioner have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been touched upon at length. It has been assured on behalf of the revision petitioner that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon him. The revision petitioner undertakes that, in case,



he is released on bail, he will not misuse the liberty of bail and will cooperate in disposal of revision.

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7. Mr.P.Santhosh Kumar, learned counsel for the Respondent, has opposed the argument advanced by the learned counsel for the Revision Petitioner and submits that the judgments passed by the courts below are as per the law after considering the entire evidence, thus the relief sought by the Revision Petitioner at this stage be refused by this Court.

8. When the matter was taken up for hearing on 06.08.2025, the co-ordinate bench of this Court passed the following order:

"The petitioner is directed to deposit 20% of the compensation amount to the credit of S.T.C.No.86 of 2022 on the file of Judicial Magistrate (Fast Track) Court, Uthamapalayam on or before 29.08.2025.

2.Post on 11.09.2025 for reporting compliance."

9. Today, when the matter is being taken up, the learned counsel for the Petitioner produced a memo annexing a copy of the demand draft and acknowledgment receipt given by the Fast Track Court, Uthamapalaym, in compliance with the order dated 06.08.2025 passed by the co-ordinate bench of this



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Court and submits that the Petitioner deposited 20% of the compensation amount to the tune of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of STC No.86 of 2022 on the file of the Judicial Magistrate (Fast Track Court) Court, Uthamapalayam, on 29.08.2025. The copy of the demand draft and acknowledgment receipt is produced before this Court and the same is taken on record.

10. The learned counsel for the Respondent prays that this Court may be pleased to direct the Judicial Magistrate (Fast Track) Court, Uthamapalayam, to permit the Respondent to withdraw the sum of Rs.25,000/- (Rupees Twenty Five Thousand only), which has already been deposited by the Petitioner, within the time period stipulated by this Court.

11. Considering the arguments advanced by the learned counsel for the petitioner as well as the learned counsel for the Respondent, this court is of the view that the trial court has failed to appreciate the evidence on record and the judgment was passed without considering the entire materials place before it and during trial the Revision petitioner was also on bail.

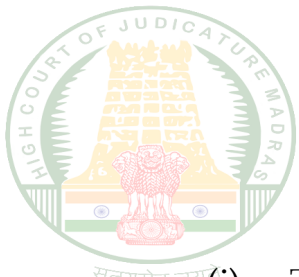
12. Further, it is observed that when the accused have been under



incarceration for sometime and when there are points in the revision, which favour the accused, then the courts should not shy from granting suspension of sentence, as the liberty of the individual would be at stake if the revision results in acquittal at a later point of time. In this regard, the decision of the Hon'ble Supreme Court of India in the case of *Rabi Prakash Vs. The State of Odhisha reported in 2023 Live Law (SC) 533* is of relevance.

13. The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the Revision petitioner is entitled to the relief of suspension of sentence and bail.

14. Accordingly, the relief of suspension of sentence and bail is granted to Revision Petitioner namely Raja Palpandian, S/o.Achappan on the following conditions:



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- (i) The Revision petitioner shall surrender before the Learned Judicial Magistrate, (Fast Track) Court, Uthamapalayam, within three weeks from today and on such surrender, the revision petitioner is ordered to be released on bail on his executing a personal bond along with two sureties for a sum of Rs.10,000/- each subject to furnishing undertaking that he will co-operate in the hearing of the present Revision.
- (ii) The Revision petitioner and sureties shall affix their photographs and Left Thumb Impression in the bond and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;
- (iii) The realization of fine, if any, shall also remain suspended during the pendency of the present Revision.
- (iv) The petitioner shall appear before the Judicial Magistrate (Fast Track) Court, Uthamapalayam, once in a month ie., on the first working day of Every English Calendar month at 10.30 a.m., until further orders.

15. On acceptance of his bail bonds and sureties, the learned trial court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.

16. The Respondent is permitted to file an appropriate application before the Judicial Magistrate (Fast Track) Court, Uthamapalayam, seeking withdrawal of the



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sum of Rs.25,000/- (Rupees Twenty Five Thousand only), which was deposited by
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the petitioner in compliance with the order dated 06.08.2025 passed by the co-
ordinate Bench of this Court in the present Revision Petition. Upon receipt of such
application, the Judicial Magistrate (Fast Track) Court, Uthamapalayam, is directed
to process the same and release the aforesaid amount to Respondent within a
period of ten (10) days from the date of receipt of the application.

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

sd/-
11/09/2025

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/09/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

nsr
TO

1 The Judicial Magistrate (Fast Track) Court,
Uthamapalayam.

2 The Additional District
(Fast Court) Court,
Uthamapalayam.

3 The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.



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+1. C.C. to M/S.NIRANJAN S. KUMAR (2931/20 Advocate SR.No.9928 (I)
DT.11/09/2025

+1. C.C. to M/S.NIRANJAN S. KUMAR (2931/20 Advocate SR.No.9963 (I)
DT.11/09/2025

ORDER
IN
CRL MP(MD) No.10398 of 2025
IN
CRL RC(MD) No.995 of 2025
Date :11/09/2025

NM/15.09.2025/ 10P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023