



CRL MP(MD) NO. 7490 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 24-07-2025

CORAM
THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 7490 of 2025

IN

CRL RC(MD) NO. 659 of 2025

Balaji

... Petitioner

Vs.

Paldurai

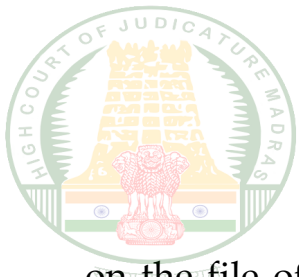
... Respondent

Prayer : This Civil Miscellaneous Petition is filed under Section 438(1) of BNSS, 2023, to suspend the sentence imposed in C.A.No.174 of 2022 on the file of the learned Principal District and Sessions Judge, Srivilliputtur dated 21.03.2025, by confirming the sentence passed by the learned Fast Track Judicial Magistrate Court, Srivilliputhur in C.C.No.129 of 2022 dated 01.12.2022 and acquit the petitioner.

For Petitioner : Mr.R.Karunanidhi

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in C.A.No.174 of 2022 dated 21.03.2025 on the file of the learned Principal District and Sessions Judge, Srivilliputtur, confirming the conviction imposed in the judgment, dated 01.12.2022 passed in C.C.No.129 of 2022



CRL MP(MD) NO. 7490 of 2025

on the file of the learned Fast Track Judicial Magistrate, Srivilliputtur and enlarge
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the petitioner on bail pending disposal of the Criminal Revision Case.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 01.12.2022 for the offence under Section 138 of Negotiable Instrument Act, and the trial Court sentenced him to undergo simple imprisonment for a period of two years and to pay a compensation of Rs.3,00,000/-, in default, to undergo simple imprisonment for a period of two months in C.C.No.129 of 2022 on the file of the learned Fast Track Judicial Magistrate, Srivilliputtur.

3. The learned Principal District and Sessions Judge, Srivilliputtur, confirmed the conviction, and confirmed the sentence and dismissed the Criminal Appeal No.174 of 2022, dated 21.03.2025. 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



CRL MP(MD) NO. 7490 of 2025

particulars between the evidence of the prosecution witnesses.

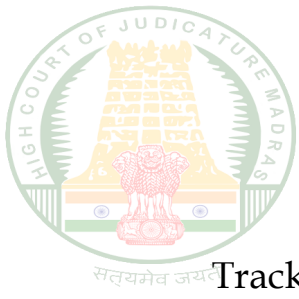
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5. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

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 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 Fast



CRL MP(MD) NO. 7490 of 2025

Track Judicial Magistrate, Srivilliputtur ;

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(ii) 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

(iii) The petitioner shall appear before the learned Fast Track Judicial Magistrate, Srivilliputtur, daily at 10.30 a.m., until further orders.

sd/-
24/07/2025

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/07/2025

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

MRN

TO

1.THE PRINCIPAL DISTRICT
AND SESSIONS JUDGE, SRIVILLIPUTHUR.

2.THE FAST TRACK
JUDICIAL MAGISTRATE COURT SRIVILLIPUTHUR.

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CRL MP(MD) NO. 7490 of 2025

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3. THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

ORDER IN
CRL MP(MD) No.7490 of 2025 IN
CRL RC(MD) No.659 of 2025
Date :24/07/2025

PR/29.07.2025 5P/4C

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