



Crl.MP(MD)No.9946 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.MP(MD)No.9946 of 2025
in
Crl.RC.(MD)No.941 of 2025

J.Thulasi Bai,
D/o.Jayaram,
W/o.A.M.Saravana Kumar,
No.C531, Saroj Illam,
Jagannathan Salai,
Periyar Nagar,
Chennai – 600 082.

... Petitioner

Vs.

S.Balasubramanian,
S/o.D.Sivaguru,
No.5, F4, C Block, Anand Avenue,
Melur Road, Srirangam,
Trichy – 620 006.

... Respondent

Prayer : This Criminal Miscellaneous Petition filed under Section 438(1) of B.N.S.S. praying to grant suspension of sentence pursuant to the order dated 09.06.2025 in Criminal Appeal No.114 of 2022 on the



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file of the learned First Additional District and Sessions Judge, (PCR), Tiruchirapalli, confirming the order dated 19.09.2022 in S.T.C.No.76 of 2019 on the file of the District Munsif Cum Judicial Magistrate, Srirangam (Trichy JM III Court STC No.181 of 2013) pending disposal of this Criminal Revision Case.

For Petitioner : M/s.A.L.Ganthimathi
Senior Counsel
Assisted by,
Mr.C.Mahadevan

For Respondent : Mr.A.N.Ramanathan

ORDER

Heard M/s.A.L.Ganthimathi, learned Senior Counsel assisted by Mr.C.Mahadevan, learned Counsel appearing for the Revision Petitioner and Mr.A.N.Ramanathan, learned Counsel for the Respondent.

2. This Criminal Miscellaneous Petition has been preferred, praying to grant suspension of sentence pursuant to the order dated 09.06.2025 in Criminal Appeal No.114 of 2022 on the file of the learned First Additional District and Sessions Judge, (PCR), Tiruchirapalli,

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confirming the order dated 19.09.2022 in S.T.C.No.76 of 2019 on the file of the District Munsif Cum Judicial Magistrate, Srirangam (Trichy JM III Court STC No.181 of 2013).

3. In STC.No.76 of 2019, by the impugned judgement, dated 19.09.2022, the Trial Court has convicted and sentenced the Revision Petitioner for the offence under Section 138 of Negotiable Instruments Act, to undergo simple imprisonment for one year and to pay a compensation of Rs.12,90,000/- ie., twice of the cheque amount to the Respondent within one month, in default, to undergo simple imprisonment for three months. As against the same, the Revision Petitioner filed Criminal Appeal No.114 of 2022 on the file of the learned First Additional District and Sessions Judge, (PCR), Tiruchirapalli and the lower Appellate Court vide order dated 09.06.2025, dismissed the appeal confirming the judgment passed by the Trial Court. Challenging the same, the Revision Petitioner has filed Criminal Revision Petition in Crl.RC(MD)No.941 of 2025 along with the



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instant miscellaneous petition, seeking suspension of sentence and bail.

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4. When the matter was taken up on 13.10.2025, this Court passed the following order:

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

“to call for the records and to set aside the order, dated 09.06.2025 in CrL.Appeal No. 114 of 2022 on the file of the First Additional District and Sessions Court, (PCR) Tiruchirapalli confirming the order dated 19.09.2022 in STC No.76/2019 on the file of the District Munsif cum Judicial Magistrate Court, Srirangam Trichy.”

2.Today, when the matter is being taken up, Ms.AL.Gandhimathi, learned Senior Counsel assisted by Mr.C.Mahadevan, learned Counsel for the petitioner submits that the petitioner has already deposited a sum of Rs.2,58,000/- before the trial Court, as directed by the appellate Court and is ready to pay a further sum of Rs. 4,00,000/-, apart from the amount already paid



within two weeks before the trial Court. The learned Senior Counsel for the petitioner further submits that she will produce the Bank Draft in favour of the respondent on or before the next date fixed. Thus, she prays for an adjournment.

3. Accordingly, as prayed by the learned Senior Counsel for the petitioner, this Court grants two weeks and no more further time to the petitioner to pay a sum of Rs.4,00,000/- in favour of the respondent and shall produce the Bank Draft in favour of the respondent on or before the next date fixed.

4. Put up this case “for orders” on 29.10.2025 before the appropriate Bench. On that date, the application for suspension of sentence will be considered.”

5. Today, when the matter is being taken up in compliance with the order passed by this Court dated 13.10.2025, the learned Senior Counsel for the Revision Petitioner produced the original bank draft to the tune of Rs.4,00,000/- (Rupees Four Lakh only) bearing No.023994 of Federal



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Bank, dated 15.10.2025 in favour of the Respondent, before this Court and the same was handed over to the learned Counsel for the Respondent. In this regard, the learned Senior Counsel for the Revision Petitioner has also filed a memo along with the photostat copy of the demand draft and the learned Counsel for the Respondent hereby acknowledges receipt of the aforesaid amount. A copy of the memo along with the receipt is produced before this Court and the same is taken on record.

6. It was submitted by the learned Senior Counsel for the Revision Petitioner that the Revision Petitioner has already deposited R.2,58,000/- before the Trial Court and in compliance of the order dated 13.10.2025, the Revision Petitioner has remitted Rs.4,00,000/- in favour of the Respondent by way of bank draft. Thus, the Revision Petitioner has paid Rs.6,58,000/- in total. He submits that the relief of suspension of sentence and bail may be granted, as failure to do so would cause great hardship to the Revision Petitioner. The Revision Petitioner is ready to



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comply with all conditions imposed by this Court.

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7. 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.

8. 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 she is ready to cooperate with the process of law and shall faithfully make herself available before the court whenever required and



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

9. Mr.A.N.Ramanathan, learned counsel for the Respondent, prays that this Court may be pleased to direct the Trial Court, to permit the Respondent to withdraw the sum of Rs.2,58,000/- (Rupees Two Lakh Fifty Eight Thousand only), which has already been deposited by the Revision Petitioner before the Trial Court, within the time period stipulated by this Court.

10. Considering the arguments advanced by the learned counsel for the parties, this Court observed that when the accused has been under incarceration for sometime and when there are points in the revision, which favour the accused and has made compliance of the direction passed by this Court, then the Courts should not shy from granting



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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.

11. The Revision Petitioner has raised substantial grounds in the Revision which requires 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.

12. Accordingly, the relief of suspension of sentence and bail is granted to Revision Petitioner namely J.Thulasi Bhai, D/o.Jayaraman, W/o.AM Saravana Kumar, on the following conditions:



- (i) The Revision petitioner shall surrender before the Learned District Munsif Cum Judicial Magistrate, Srirangam, Trichy, within three weeks from today and on such surrender, the Revision Petitioner is ordered to be released on bail on her executing a personal bond along with two sureties for a sum of Rs.10,000/- each subject to furnishing undertaking that she 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 Revision Petitioner shall appear before the learned District Munsif Cum Judicial Magistrate, Srirangam, Trichy once in every month, ie., on the first working day, commencing from the month of November 2025, at 10.30 a.m., until further orders.

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



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

15. The Respondent is permitted to file an appropriate application before the District Munsif Cum Judicial Magistrate Court, Srirangam, Trichy seeking withdrawal of the sum of Rs.2,58,000/- (Rupees Two Lakh Fifty Eight Thousand only), which was already deposited by the Revision Petitioner before the Trial Court. Upon receipt of such application, the District Munsif Cum Judicial Magistrate Court, Srirangam, Trichy, 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.

29.10.2025

Nsr



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WEB COPY To:

1. The District Munsif Cum Judicial Magistrate, Srirangam, Trichy.
2. The First Additional District and Sessions Court, (PCR), Trichy.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.



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SHAMIM AHMED, J.

Nsr

Order made in
CrI.MP(MD)No.9946 of 2025
in
CrI.RC.(MD)No.941 of 2025

Dated: 29.10.2025