

Crl.MP(MD).No.11271 and 11273 of 2025 in Crl.RC(MD)No.933 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.MP(MD).Nos.11271 of and 11273 of 2025
in Crl.RC(MD).No.933 of 2024

Kasiramalingam, S/o.Somasundaram,
No.33, Balavinayakarkovil Street,
Tuticorin

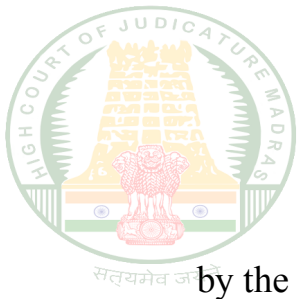
Revision Petitioner

Vs

K.Ravi, S/o.S.R.Krishnasamy Naicker,
No.160E/16, Kurinji Nagar, V Street,
Pol Pettai West, Tuticorin

Respondent

Prayer:- These Criminal Miscellaneous Petitions have been filed, under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), praying to suspend the sentence, imposed on the Revision Petitioner, in Crl.A.No.108 of 2022, by the judgement, dated 10.08.2024, of the II Additional District and Sessions Judge, Tuticorin, confirming the Judgement of conviction and sentence and order, dated 31.10.2022, made in CC.No.33 of 2016, by the Judicial Magistrate, FTC, Tuticorin, pending disposal of the instant Criminal Revision Petition and to exempt the Revision Petitioner from surrendering, in pursuant to the judgement, made in Crl.A.No.108 of 2022, dated 10.08.2024, by the II Additional District and Sessions Judge, Tuticorin, confirming the Judgement of conviction and sentence and order, dated 31.10.2022, made in CC.No.33 of 2016,



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by the Judicial Magistrate, FTC, Tuticorin, respectively.

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For Revision Petitioner : Mr.S.Gokulraj

For Respondent : No Appearance

ORDER

1. Crl.MP.No.11271 of 2025 has been filed, by the Revision Petitioner, praying to suspend the sentence, imposed on the Revision Petitioner, in Crl.A.No.108 of 2022, by the judgement, dated 10.08.2024, of the II Additional District and Sessions Judge, Tuticorin, confirming the Judgement of conviction and sentence and order, dated 31.10.2022, made in CC.No.33 of 2016, by the Judicial Magistrate, FTC, Tuticorin, pending disposal of the instant Criminal Revision Petition.
2. Crl.MP.No.11273 of 2025 has been filed, by the Revision Petitioner, seeking exemption from surrendering, pursuant to the judgement of conviction and sentence, made in Crl.A.No.108 of 2022, dated 10.08.2024, by the II Additional District and Sessions Judge, Tuticorin, confirming the Judgement of conviction and sentence and order, dated 31.10.2022, made in CC.No.33 of 2016, by the Judicial Magistrate, FTC, Tuticorin.
3. By the impugned judgement of conviction and sentence and order of the Trial Court, the Revision Petitioner was convicted and sentenced for the



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offence punishable under Section 138 of the Negotiable Instruments Act, to undergo Simple Imprisonment for one year and to pay a compensation of Rs.10,86,300/-, in default to undergo Simple Imprisonment for a period of two months. The impugned judgement judgement of conviction and sentence and order of the Trial Court was confirmed by the lower appellate Court, by its impugned judgement of conviction and sentence and order.

4. Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has filed the above Crl.RC(MD)No.933 of 2024, along with the instant Criminal Miscellaneous Petitions, seeking suspension of sentence and bail and exemption from surrendering.
5. This Court heard Mr.S.Gokulraj, the learned counsel for the Revision Petitioner. In spite of service of notice, there is no representation for the Respondent.
6. The learned counsel for the Revision Petitioner has submitted that both the courts below failed to see that the Revision Petitioner had rebutted the presumption provided under Section 138 of the Negotiable Instruments Act and failed to see that Ex.P1, unregistered document cannot be looked into, since it was disputed by the Revision Petitioner and that the courts below erroneously gave a finding that the



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unregistered document can be taken into consideration and that the compensation amount fixed by the courts below is erroneous and hence, the conviction and sentence recorded by the courts below is erroneous. It is further argued that the judgment passed by both the Courts below was based on surmises and conjectures without considering the entire evidence on record.

7. It is further argued that the Petitioner had complied with the order of this Court, dated 22.08.2025, by depositing a sum of Rs.2,17,260/- to the credit of CC.No.33 of 2016 on the file of the Judicial Magistrate, FTC, Thoothukudi.
8. It is 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. It is further submitted that there are arguable points in this Criminal Revision Case and the Revision Petitioner has a fair chance of success in this Criminal Revision Case. Thus, the learned counsel for the Revision Petitioner has prayed for suspension of sentence and bail, till the disposal of this Criminal Revision Petition.
9. Earlier, the Revision Petitioner had filed Crl.MP(MD)No.10295 of 2025, seeking suspension of sentence and it was ordered with



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conditions, by the order, dated 30.09.2024, of the Coordinate Bench of this Court. Since the said order, dated 30.09.2024 was not complied with by the Revision Petitioner, the relief of suspension of sentence and bail granted to the Revision Petitioner was cancelled, by the order, dated 19.11.2024. Thereafter, the present Criminal Miscellaneous Petitions came to be filed, seeking suspension of sentence and exemption from surrendering.

10.By the order of this Court, dated 22.08.2025, the Petitioner was directed to deposit 20% of the compensation amount to the credit of CC.No.33 of 2016, on the file of the Judicial Magistrate, FTC, Thoothukudi on or before 24.09.2025. Thereafter, when the matter is listed today and taken up for consideration, the Revision Petitioner has filed a compliance memo, dated 26.09.2025, stating that the Revision Petitioner had deposited a sum of Rs.2,17,260/- to the credit of CC.No.33 of 2016, on the file of the Judicial Magistrate, FTC, Thoothukudi, on 22.09.2025, in compliance of the order of this Court, dated 22.08.2025. Thus, it is seen that the order of this Court, dated 22.08.2025 has been complied with.

11.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



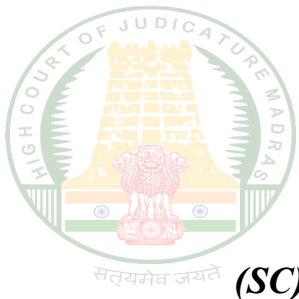
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counsel, led to the false implication of the accused have also been touched upon at length. It has been assured on behalf of the Revision Petitioner that he is ready to cooperate with the process of law and shall faithfully make himself available before 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.

12.Considering the arguments advanced by the learned counsel for the Revision Petitioner, 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 the Trial the Revision Petitioner was also on bail.

13.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***



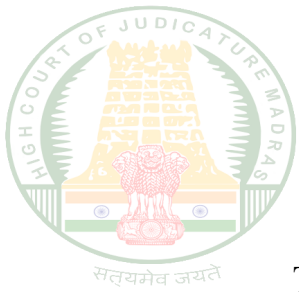
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(SC) 533 is of relevance.

14.The Revision 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.

15.Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to Revision Petitioner, namely, Kasiramalingam, S/o.Somasundaram, on the following conditions:-

- i. The Revision Petitioner shall surrender before the Judicial Magistrate, FTC, Thoothukudi, within three weeks from the date of receipt of a copy of this order 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.15,000/-** 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.
- iii. The Petitioner shall appear before the Judicial Magistrate, FTC,



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Thoothukudi, , 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.

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

17.With the above directions, Crl.MP(MD)No.11271 of 2025 is ordered.

Consequently, Crl.MP(MD)No.11273 of 2025 is dismissed.

14.10.2025

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Index: Yes/No
Web: Yes/No
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To

1. II Additional District and Sessions Judge, Tuticorin
2. The Judicial Magistrate, FTC, Tuticorin
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



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SHAMIM AHMED, J.

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