



CRL MP(MD) NO. 10098 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31-07-2025

CORAM

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 10098 of 2025

IN

CRL RC(MD) NO. 963 of 2025

D.R.Prem Chandar

... Petitioner

Vs.

Manivannan

... Respondent

Prayer : This Civil Miscellaneous Petition is filed under Section 389(1) of Cr.P.C., and Section 438(1) of BNSS, 2023, to suspend the sentence in judgment dated 06.06.2025 passed in C.A.No.41 of 2022 on the file of the learned Principal Sessions Judge, Theni, confirming the conviction in C.C.No.66 of 2020 dated 26.04.2022, by the learned Judicial Magistrate (Fast Track Court), Uthamapalayam pending disposal of this Criminal Revision Case.

For Petitioner : Mr.V.Maliyendran
For Mr.B.Sargunam

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in C.A.No.41 of 2022 dated 06.06.2025 on the file of the



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learned Principal Sessions Judge, Theni, confirming the conviction imposed in the
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judgment, dated 26.04.2022 passed in C.C.No.66 of 2020 on the file of the learned
Judicial Magistrate (Fast Track Court), Uthamapalayam and enlarge 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 26.04.2022 for the offence under Section 138 of Negotiable Instruments Act and the trial Court sentenced him to undergo rigorous imprisonment for a period of one year and to pay a compensation of Rs.5,00,000/- in default, to undergo simple imprisonment for a period of three months in C.C.No.66 of 2020 on the file of the learned Judicial Magistrate (Fast Track Court), Uthamapalayam.

3. The learned Principal Sessions Judge, Theni, confirmed the conviction, and confirmed the sentence and dismissed the Criminal Appeal No.41 of 2022, dated 06.06.2025. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.



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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.

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, 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 Judicial Magistrate (FTC), Uthamapalayam ;



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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 Judicial Magistrate (FTC), Uthamapalayam, daily at 10.30 a.m., until further orders.

sd/-
31/07/2025

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/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Mrn

To

- 1.The Principal Sessions Judge, Theni.
- 2.The Judicial Magistrate (FTC), Uthamapalayam.
- 3.Do Through The Chief Judicial Magistrate, Theni.

ORDER
IN

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Date :31/07/2025

SBN/05.08.2025 4P/4C

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