



CRL MP(MD) NO. 10275 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25-08-2025

CORAM
THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 10275 of 2025
IN
CRL RC(MD) NO. 980 of 2025

Mohamed Uvaise

... Petitioner

Vs.

Kartheesan

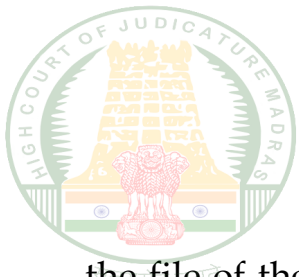
... Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section 438(1) of BNSS, 2023, to suspend the sentence imposed by the learned Principal Sessions Judge, Thoothukudi, made in Criminal Appeal No.56 of 2018 dated 03.06.2025, confirming the conviction and sentence imposed by the learned Judicial Magistrate Court, Tiruchendur, in C.C.No.249 of 2003, dated 02.07.2018, pending disposal of this Criminal Revision Case.

For Petitioner : Mr.O.R.Gokul Abimanyu
for M/s.Arulvadi vel Associates

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in Crl.A.No.56 of 2018 dated 03.06.2025, on the file of the learned Principal Sessions Judge, Thoothukudi, confirming the conviction and sentence imposed in the judgment, dated 02.07.2018 passed in C.C.No.249 of 2003 on



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the file of the learned Judicial Magistrate, Tiruchendur and enlarge the petitioner on
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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 learned trial Court on 02.07.2018 for the offence under Section 138 of Negotiable Instrument Act and the learned trial Court sentenced him to undergo simple imprisonment for a period of one year and to pay a compensation of Rs.6,00,000/-, in default, to undergo simple imprisonment for a period of three months in C.C.No.249 of 2003 on the file of the learned Judicial Magistrate, Tiruchendur.

3. The learned Principal Sessions Judge, Thoothukudi, confirmed the conviction and sentence and dismissed the Criminal Appeal No.56 of 2018, dated 03.06.2025. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.

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.



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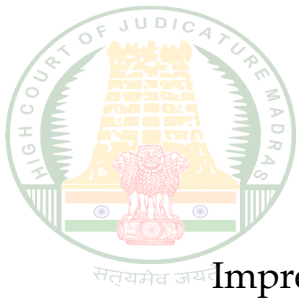
5. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

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, 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, Tiruchendur ;

(ii) The sureties shall affix their photographs and Left Thumb



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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, Tiruchendur, on all working days at 10.30 a.m., until further orders.

sd/-
25/08/2025

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/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, Thoothukkudi.
- 2 The Judicial Magistrate, Tiruchendur.



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ORDER
IN
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IN
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Date :25/08/2025

AS/02.09.2025/5P/3C

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