



CRL.M.P(MD)No.10795 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.09.2025**

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.M.P(MD)No.10795 of 2025 in CRL.R.C.(MD)No.1063 of 2025

S.Gowri,
W/o. Sathishkumar,
393M/3, Kamarajar Road,
Sivakasi, Virudhunagar District.

Petitioner(s)

Vs

G.Kaliappan,
S/o. Gurusamy,
368, Maruthuva Colony Backside,
Singampuram, Srivilliputtur,
Virudhunagar District.

Respondent(s)

Prayer: to suspend the sentence imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur dated 03.07.2025 in Crl.Appeal.No.149 of 2022 by confirming the Judgment of Learned Fast Track Court (Judicial Magistrate Level), Srivilliputhur in C.C.No.46 of 2021, dated 27.09.2022 and enlarge the petitioner onbail pending disposal of the main revision.

For Petitioner(s) : Mr.R. Rajamohan



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ORDER

The present Criminal Miscellaneous Petition has been filed with the following prayer:

“to suspend the sentence imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, dated 03.07.2025, in Crl.Appeal.No.149 of 2022 by confirming the judgment of the learned Fast Track Court (Judicial Magistrate Level), Srivilliputtur, in C.C.No.46 of 2021 dated 27.09.2022 and enlarge the petitioner on bail pending disposal of the main revision case.”

2.The Co-ordinate Bench of this Court, in CRL.M.P(MD)No. 10795 of 2025 in CRL.R.C.(MD)No.1063 of 2025, vide order, dated 19.08.2025, had passed the following order:

“This Criminal Miscellaneous Petition has been filed to Suspend the Sentence imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, dated 03.07.2025, in Crl.Appeal.No.149 of 2022 by confirming the judgment of the learned Fast Track Court (Judicial Magistrate Level), Srivilliputtur, in C.C.No.46 of 2021 dated 27.09.2022 and enlarge the petitioner on bail pending disposal of the main revision case.

2.The learned counsel appearing for the petitioner



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submitted that the petitioner has been convicted by the trial Court on 27.09.2022 for the offence under Section 138 r/w 142 of the Negotiable Instrument Act, 1881, and the trial Court sentenced him to undergo simple imprisonment for a period of two years and to pay a cheque amount of Rs.5,00,000/- (Rupees Five Lakhs only) as compensation to the respondent, in default, to undergo simple imprisonment for a period of three months as default sentence from the date of dishonor, in C.C.No.46 of 2021 on the file of the learned Fast Track Court (Judicial Magistrate Level), Sirivilliputtur. 3.The Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, confirmed the conviction and sentence, and dismissed the Crl.Appeal.No.149 of 2022, dated 03.07.2025. 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. Further, he submitted that the petitioner has already deposited 20% of the compensation amount (i.e., Rs.1,00,000/- and One Lakh only]) to show his bonafide.

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.



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25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Fast Track Court (Judicial Magistrate Level), Sirivilliputtur;

(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 Court (Judicial Magistrate Level), Sirivilliputtur, on all working days at 10.30 a.m., until further orders.

9. List the matter on 22.09.2025 under the caption “for reporting compliance”

3.Today, when the matter is being taken up, Mr.R.Rajmohan, learned Counsel for the petitioner submits that the petitioner has been complying with all the conditions imposed in Crl.M.P.(MD)No.10795 of 2025 in Crl.R.C.(MD) No.1063 of 2025, dated 19.08.2025, without fail and he has also filed a compliance affidavit, dated 18.09.2025 before this Court, which is taken on record. It was further submitted that the petitioner that the condition No.(iii) of the order dated 19.08.2025 passed in Crl.M.P.(MD)No.10795 of 2025 in Crl.R.C.(MD)No.1063 of 2025 imposed on the petitioner may be relaxed and the petitioner may be directed to appear before the Fast Track Court (Judicial Magistrate Level), Srivilliputhur, once in a month.



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4. Accordingly, after considering the arguments as advanced by the learned Counsel for the petitioner and after perusal of the order passed by the Co-ordinate Bench of this Court in Crl.M.P.(MD)No.10795 of 2025 in Crl.R.C.(MD) No.1063 of 2025, dated 19.08.2025, this Court is inclined to relax the condition No.(iii) of the order dated 19.08.2025 passed in Crl.M.P.(MD)No.10795 of 2025 in Crl.R.C.(MD) No.1063 of 2025, as follows:-

“The petitioner shall appear before the Fast Track Court (Judicial Magistrate Level), Srivilliputhur, once in a month with effect from October, 2025, ie., on the first working day of Every English Calendar month at 10.30 a.m., until further orders.”

Rest of the conditions imposed in Crl.M.P.(MD)No.10795 of 2025 in Crl.R.C.(MD) No.1063 of 2025, dated 19.08.2025, are unaltered.

5. This Court, in Crl.R.C.(MD)No.1063 of 2025, vide order, dated 19.08.2025, issued notice to the respondent. As per Office report, dated 19.09.2025, service is awaited on the respondent. After service of notice,



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the respondent shall file objection to the Criminal Revision Case within three weeks and one week time thereafter is allowed to the learned Counsel for the petitioner to file a reply to the objection filed by the respondent.

6.Put up the Criminal Revision Case “for hearing” on 27.11.2025 before appropriate Bench along with trial Court records.

22.09.2025

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SHAMIM AHMED, J.

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