



CRL MP(MD) NO. 10560 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08-08-2025

CORAM

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 10560 of 2025

IN

CRL RC(MD) NO. 1024 of 2025

S.Muthuraj

... Petitioner

Vs.

M/s.Sivakasi Industrial Printing Works,  
a Partnership Firm,  
represented through one of its Partners,  
S.Kannan, S/o.K.Shenbagamoorthy,  
No.22, A.R.Arunachala Nadar Road,  
Sivakasi - 626 123.  
Virudhunagar District.

... Respondent

Prayer : This Civil Miscellaneous Petition is filed under Section 528 of BNSS, 2023, to grant an order of suspension of sentence imposed on the petitioner by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, in Crl.A.No.37 of 2023 dated 14.02.2025, confirming the judgment of the learned Judicial Magistrate Court No.I, at Sivakasi, in C.C.No.5 of 2017 dated 27.02.2023 and enlarge the petitioner on bail, pending disposal of above Criminal Revision Case.

For Petitioner : Mr.M.Kannan

### ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence

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imposed on the petitioner in C.A.No.37 of 2023 dated 14.02.2025 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, confirming the conviction imposed in the judgment, dated 27.02.2023 passed in C.C.No.5 of 2017 on the file of the learned Judicial Magistrate No.I, Sivakasi 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 27.02.2023 for the offence under Section 138 of Negotiable Instruments Act and the trial Court sentenced him to undergo simple imprisonment for a period of one year and to pay double cheque amount of Rs.3,68,860/- as compensation to the complainant, in default, to undergo simple imprisonment for a period of two months in C.C.No.5 of 2017 on the file of the learned Judicial Magistrate No.I, Sivakasi.

3. The learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, confirmed the conviction, and confirmed the sentence and dismissed the Criminal Appeal No.37 of 2023, dated 14.02.2025. 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



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infirmities in the prosecution case, and also there are contradictions in material  
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particulars between the evidence of the prosecution witnesses.

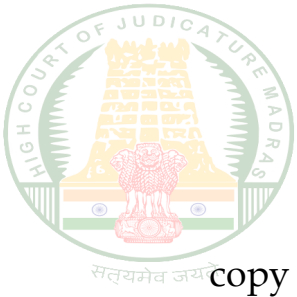
5. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

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 No.I, Sivakasi ;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a



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copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the learned Judicial Magistrate No.I, Sivakasi, on all working days at 10.30 a.m., until further orders.

sd/-  
08/08/2025

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

mrn

To

- 1.The Principal District and Sessions Judge,  
Virudhunagar District at Srivilliputhur.
- 2.The Judicial Magistrate No.I, Sivakasi.
- 3.Do Through The Chief Judicial Magistrate,  
Virudhunagar District at Srivilliputhur.

ORDER IN  
CRL MP(MD) No.10560 of 2025  
Date :08/08/2025

SBN/13.08.2025 4P/4C

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