



Crl.MP(MD)No.11503 of 2025
in
Crl.R.C.(MD)No.1183 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

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in
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J.Nowsath,
S/o.Jaffer,
No.18/A, Sengunthapuram,
13th Cross, Sengunthapuram Post,
Karur Taluk and District.
Also at No.333A, State Bank Colony,
Karur – 639 001.

... Petitioner

Vs.

P.Vivekanandhan,
S/o.M.C.Palanisamy,
No.1/108, Kudi Street,
Minnampalli Post,
Manmangalam Taluk,
Karur District – 639 116.

... Respondent

Prayer : This Criminal Miscellaneous Petition filed under Section 430 of B.N.S.S. praying to suspend the Sentence imposed upon the Revision Petitioners in S.T.C.No.222 of 2022 on the file of the learned Judicial



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Magistrate, Fast Track Court (Magisterial Level), Karur, against the dismissal order in Crl.M.P.No.706 of 2025 in C.A.No.101 of 2025, dated 04.06.2025 by the learned Principal District and Sessions Judge, Karur, pending disposal of the revision petition.

For Petitioner : Mr.M.P.Roniga
For Assistance : Mr.M.Karunanithi
Government Advocate
(Criminal Side)

ORDER

Heard Mr.M.P.Roniga, learned Counsel for the Revision Petitioner and also this Court has taken the assistance of Mr.M.Karunanithi, learned Government Advocate (Criminal Side) for the State.

2. This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed upon the Revision Petitioner in S.T.C.No.222 of 2022, dated 07.04.2025 on the file of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Karur, whereby the Trial Court has convicted and sentenced the Revision



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Petitioner for the offence under Section 138 of the Negotiable Instruments Act, to undergo simple imprisonment for one year and to pay a compensation of Rs. 6,00,000/- to the Respondent within one month, in default, to undergo simple imprisonment for one month.

3. As against the order passed by the Trial Court, the Revision Petitioner filed a petition in Crl.M.P.No.706 of 2025 in C.A.No.101 of 2025, before the learned Principal District and Sessions Judge, Karur, seeking to suspend the sentence imposed by the Trial Court, and the same was ordered subject to the condition that the Revision Petitioner was directed to deposit 25% of the cheque amount before the Trial Court within 60 days, failing which the petition would stand dismissed, and the matter was posted to 04.08.2025. On 04.08.2025, the Revision Petitioner did not comply with the direction of the Appellate Court. Hence, his petition for suspension of sentence was dismissed vide docket order dated 04.08.2025. Challenging the dismissal order, the Revision Petitioner has filed a Criminal Revision Petition in Crl.RC(MD)No.1183



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of 2025 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. Learned Counsel for the Revision Petitioner submits in compliance with the order dated 28.08.2025 passed by the Co-ordinate bench of this Court, the Revision Petitioner has deposited 20% of the compensation amount on 09.09.2025, vide receipt bearing No.154605, to the credit of S.T.C.No.222 of 2022 on the file of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Karur, dated 07.04.2025. A copy of the deposit receipt along with the memo has been filed before this Court and the same is already on record. He submits that the relief of suspension of sentence and bail may be granted, as failure to do so would cause great hardship to the Revision Petitioner. The petitioner is ready to comply with all conditions imposed by this Court.

5. It was further argued that due to pendency of the criminal cases



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before this High Court, there is a blinking chance that in the near future, this criminal revision case will be finally heard and decided. He further submits that there are arguable points in this Revision and the Revision Petitioner has fair chance of success in this Criminal Revision Case. Thus, he prayed for suspension of sentence and be released on bail, till the disposal of this Criminal Revision Petition, as the Revision Petitioner was already granted bail during trial.

6. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision Petitioner has also been placed forth before the Court. The circumstances which, according to the 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



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released on bail, he will not misuse the liberty of bail and will cooperate in disposal of revision.

7. Per contra, Mr.M.Karunanithi, learned Government Advocate (Criminal Side) who appeared for the State assisted this Court in the matter, has vehemently opposed the submissions made by the learned counsel for the Revision Petitioner and submits that the judgments passed by both the Courts are as per law after considering the entire evidence, thus the relief sought by the Revision Petitioner at this stage be refused by this Court.

8. Considering the arguments advanced by the learned counsel for the Revision Petitioner and the learned Government Advocate for the State, who assisted this Court, 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 trial the Revision petitioner was also on bail.



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9. Further, it is observed that when the accused has been under incarceration for sometime and when there are points in the revision, which favour the accused and has made compliance of the direction passed by this Court, 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 (SC) 533*** is of relevance.

10. 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.



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11. Accordingly, the relief of suspension of sentence and bail is granted to Revision Petitioner viz., J.Nowsath, S/o.Jaffer, on the following conditions:

- (i) The Revision petitioner shall surrender before the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Karur, within three weeks from today and on such surrender, the Revision Petitioner is ordered to be released on bail on his executing personal bond along with two sureties for a sum of Rs.10,000/- 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; and;



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- (iii) The Revision Petitioner shall appear before the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Karur, once in every month, ie., on the first working day, commencing from the month of December 2025, at 10.30 a.m., until further orders.

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

13. With the above directions, this Criminal Miscellaneous Petition is **ordered**.

12.11.2025

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WEB COPY To:

- 1.The Principal District and Sessions Judge, Karur,
- 2.The Judicial Magistrate, Fast Track Court (Magisterial Level), Karur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SHAMIM AHMED, J.

Nsr

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