



Crl.MP(MD)No.12881 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.11.2025**

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THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

Crl.MP(MD)No.12881 of 2025

in

Crl.RC.(MD)No.1279 of 2025

Akila,
W/o.Kumar,
No.322, HIG Tamil University Quarters,
Pillaiyarpatti,
Thanjavur District.

... Petitioner

Vs.

Parmeshwari,
W/o.Radhakrishnan,
No.247, Middle Street,
Pillayarpatti,
Thanjavur District.

... Respondent

Prayer : This Criminal Miscellaneous Petition filed under Section 438(1) of B.N.S.S. praying to suspend the conviction and sentence imposed upon the Revision Petitioner by the learned Principal Sessions Judge, at Thanjavur in Crl.A.No.205 of 2023, dated 03.03.2025 by confirming the order of conviction sentence passed by the Judicial Magistrate Fast Track Court (Magisterial Level) at Thanjavur in STC.No. 75 of 2019, dated 11.08.2023, pending disposal of the main Revision Petition.



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For Petitioner : Mr.B.Mahendrarajan

For Respondent : Ms.V.Muthulakshmi

ORDER

Heard Mr.B.Mahendrarajan, learned Counsel appearing for the Revision Petitioner and Ms.V.Muthulakshmi, learned Counsel, who accepts notice on behalf of the Respondent.

2. This Criminal Miscellaneous Petition has been preferred, praying to suspend the sentence imposed upon the Revision Petitioner by the Judicial Magistrate Fast Track Court (Magisterial Level) at Thanjavur in S.T.C.No.75 of 2019, dated 11.08.2023, confirmed by the learned Principal Sessions Judge, at Thanjavur in Criminal Appeal No. 205 of 2023, dated 03.03.2025.

3. In S.T.C.No.75 of 2019, by the impugned judgment, dated 11.08.2023, the Trial Court has convicted and sentenced the Revision Petitioner for the offence under Section 138 of Negotiable Instruments Act, to undergo simple imprisonment for one year and to pay a



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compensation of Rs.7,00,000/- to the Respondent within one month, in default, to undergo simple imprisonment for two months.

4. As against the order passed by the Trial Court dated 11.08.2023, the Revision Petitioner filed Criminal Appeal No.205 of 2023, before the learned Principal Sessions Judge, Thanjavur and the lower Appellate Court vide order dated 03.03.2025, dismissed the appeal confirming the judgment passed by the Trial Court. Challenging the above conviction and sentence, the petitioner has filed Criminal Revision Petition in Crl.RC(MD)No.1279 of 2025 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

5. When the Revision Petition came up for hearing on 07.10.2025, the learned Counsel for the Revision Petitioner submitted that the Revision Petitioner had already deposited 20% of the cheque amount as compensation before the Trial Court and was also ready to deposit a further 20% of the remaining cheque amount. An adjournment was sought to deposit the same. On the request made by the learned Counsel for the Revision Petitioner, this Court directed the Revision Petitioner to

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deposit 20% of the remaining compensation amount before the Trial Court. In compliance with the order dated 07.10.2025 passed by this Court, an amount of Rs.1,12,000/- [Rupees One Lakh Twelve Thousand only] was deposited on 05.11.2025 to the credit of STC.No.75 of 2019, dated 11.08.2023 on the file of the Judicial Magistrate Fast Track Court (Magisterial Level) at Thanjavur. A copy of the receipt along with a memo is produced before this Court and the same is taken on record.

6. It was submitted by the learned Senior Counsel for the Revision Petitioner that the Revision Petitioner has already deposited Rs.1,40,000/- before the Trial Court and in compliance of the order dated 07.10.2025, the Revision Petitioner has deposited Rs.1,12,000/- on 05.11.2025 to the credit of STC.No.75 of 2019, dated 11.08.2023 on the file of the Judicial Magistrate Fast Track Court (Magisterial Level) at Thanjavur. Thus, the Revision Petitioner has paid Rs.2,52,000/- in total. 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 Revision Petitioner is ready to comply with all conditions imposed by this Court.



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

8. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision petitioner have 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 she is ready to cooperate with the process of law and shall faithfully make herself available before the court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon her. The revision petitioner undertakes that, in case, she is released on bail, she will not misuse the liberty of bail and will co-operate in disposal of revision.



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9. Ms.Muthulakshmi, learned counsel for the Respondent, prays that this Court may be pleased to direct the Trial Court, to permit the Respondent to withdraw the sum of Rs.1,12,000/- (Rupees Two Lakh Fifty Eight Thousand only), which has been deposited by the Revision Petitioner before the Trial Court, within the time period stipulated by this Court.

10. Considering the arguments advanced by the learned Counsel for the Revision Petitioner as well as the learned Counsel for the Respondent, 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.

11. Further, it is observed that when the accused have 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



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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.

12. The Revision Petitioner has raised substantial grounds in the Revision which requires 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.

13. Accordingly, the relief of suspension of sentence and bail is granted to Revision Petitioner namely Akila W/o.Kumar, on the following conditions:



- (i) The Revision petitioner shall surrender before the Judicial Magistrate Fast Track Court (Magisterial Level) at Thanjavur, within three weeks from today and on such surrender, the Revision Petitioner is ordered to be released on bail on her executing a personal bond along with two sureties for a sum of Rs.10,000/- each subject to furnishing undertaking that she 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;
- (iii) The Revision Petitioner shall appear before the Judicial Magistrate Fast Track Court (Magisterial Level) at Thanjavur 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.

14. On acceptance of her bail bonds and sureties, the learned trial court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.



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WEB COPY 15. With the above directions, this Criminal Miscellaneous Petition is **ordered**.

16. The Respondent is permitted to file an appropriate application before the Judicial Magistrate Fast Track Court (Magisterial Level) Thanjavur seeking withdrawal of the sum of Rs.1,12,000/- (Rupees One Lakh Twelve Thousand only), which was already deposited by the Revision Petitioner before the Trial Court. Upon receipt of such application, the Judicial Magistrate Fast Track Court (Magisterial Level) Thanjavur, is directed to process the same and release the aforesaid amount to Respondent within a period of ten (10) days from the date of receipt of the application.

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To:

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



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SHAMIM AHMED, J.

Nsr

Order made in
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