



Crl.MP(MD)Nos.18985 and 18988 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.12.2025**

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Crl.MP(MD)Nos.18985 and 18988 of 2025

in

Crl.RC.(MD)No.1502 of 2025

Saravanan

... Petitioner

Vs.

Krishnaveni

... Respondent

Prayer in Crl.MP(MD)No.18985 of 2025: This Criminal Miscellaneous Petition filed under Section 438(1) of B.N.S.S. praying to suspend the execution of sentence of the said conviction dated 06.04.2024 passed in S.T.C.No.218 of 2023 against the Petitioner by the learned Judicial Magistrate, Fast Track Court, Uthamapalayam Court and confirming the conviction by the Appellate Court dated 12.08.2025 in Crl.A.No.69 of 2024 by the learned Additional District Judge (FTC), Theni, pending disposal of the present Criminal Revision Petition.

Prayer in Crl.MP(MD)No.18988 of 2025: This Criminal Miscellaneous Petition filed under Section 438(1) of B.N.S.S. praying to allow the



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petition for exempting from surrender in the order dated 06.04.2024 passed in S.T.C.No.218 of 2023 against the Petitioner by the learned Judicial Magistrate, Fast Track Court, Uthamapalayam Court and confirming the conviction by the Appellate Court dated 12.08.2025 in Crl.A.No.69 of 2024 by the learned Additional District Judge (FTC), Theni, pending disposal of the present Criminal Revision Petition.

For Petitioner : Mr.T.Bashyam

ORDER

Heard Mr.T.Bashyam learned Counsel for the petitioner.

2. This Criminal Miscellaneous Petition has been filed, praying to suspend the sentence imposed upon the petitioner by the learned Judicial Magistrate, Fast Track Court, Uthamapalayam Court in S.T.C.No.218 of 2023 dated 06.04.2024 which was confirmed by the learned Additional District Judge (FTC), Theni in Crl.A.No.69 of 2024, dated 12.08.2025.

3. Learned counsel for the petitioner would submit that the petitioner was convicted by the learned Judicial Magistrate, Fast Track Court, Uthamapalayam Court for offence under Section 138 of the



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Negotiable Instruments Act in S.T.C.No.218 of 2023 dated 06.04.2024 and sentenced him to undergo six months Simple Imprisonment and to pay compensation of Rs.6,00,000/- to respondent. Aggrieved petitioner filed criminal appeal in Crl.A.No.69 of 2024 before the learned Additional District Judge (FTC), Theni and the lower Appellate Court, by the judgment dated 12.08.2025 dismissed the appeal confirming the conviction and sentence passed by the trial Court, against which, the petitioner filed Crl.R.C.(MD)No.1502 of 2025 before this Court along with the instant miscellaneous petitions seeking suspension of sentence, exemption from surrender and bail.

4. Learned Counsel for the petitioner would further submit that petitioner has raised substantial grounds in the above revision, which requires consideration; and that to show his bonafides, the petitioner is willing to deposit 50% of the cheque amount, before the trial Court. Hence, he prayed for granting suspension of sentence to the petitioner.



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5. Considering the fact that there are arguable points raised in revision and taking into consideration, facts and circumstances of the case and that it is likely to take a while before the revision is finally heard¹, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the trial court, on the following conditions, till the disposal of the above Criminal Revision:

i) The petitioner is directed to deposit 50% of the cheque amount, to the credit of S.T.C.No.218 of 2023 dated 06.04.2024, on the file of Judicial Magistrate, Fast Track Court, Uthamapalayam, within a period of four weeks from the date of receipt of a copy of this order, failing which the sentence suspended shall automatically dismissed and the respondent is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law;

(ii) On such deposit, the petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Fast Track Court, Uthamapalayam;

¹ Atul Alias Ashutosh vs State of Madhya Pradesh, (2024) 3 SCC 663



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iii) The 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;

iv) The petitioner shall appear and sign before the learned Judicial Magistrate, Fast Track Court, Uthamapalayam Court, on the first working day of every month at 10.30 a.m., until the disposal of the revision;

v) In case, if the petitioner is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. (corresponding to 355 B.N.S.S) and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

6. Accordingly, these Criminal Miscellaneous Petitions are **ordered.**

03.12.2025

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Note: Issue Order Copy on 05.12.2025.

To:

1. The Additional District Judge (FTC), Theni.
2. The Judicial Magistrate, Fast Track Court, Uthamapalayam.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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MOHAMMED SHAFFIQ, J.

Nsr

Order made in
Crl.MP(MD)Nos.18985 and 18988 of 2025
in
Crl.RC.(MD)No.1502 of 2025

Dated: 03.12.2025