



Crl.MP(MD)No.12074 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.09.2025**

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THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

Crl.MP(MD)No.12074 of 2025

in

Crl.RC.(MD)No.1243 of 2025

K.Sevukapandiyan
S/o.Kalimuthu, 3/119, Arunachalapuram
Enjar Village, Saminatham, Sivakasi
Virudhunagar

... Petitioner

Vs.

K.Saravanan, S/o.Arumugam
2/2093B, Nehru Colony
Union Bank Back Side, Sivakasi East
Virudhunagar

... Respondent

Prayer : This Criminal Miscellaneous Petition filed under Section 430 of B.N.S.S. praying to suspend the Sentence, dated 01.03.2023, made in STC.No.158 of 2022, on the file of the Judicial Magistrate No.1, Sivakasi, as confirmed by the judgement dated 04.07.2024, made in Crl.A.No.76 of 2023, by the Principal Sessions Judge, Srivilliputtur, Virudhunagar, pending disposal of the above criminal revision case.



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For Petitioner : Mr.R.Muthkumaran.

ORDER

This Criminal Miscellaneous Petition has been preferred, praying to suspend the Sentence, dated 01.03.2023, made in STC.No.158 of 2022, on the file of the Judicial Magistrate No.I, Sivakasi, as confirmed by the judgement dated 04.07.2024, made in Crl.A.No.76 of 2023, by the Principal Sessions Judge, Srivilliputtur, Virudhunagar, pending disposal of the above criminal revision case.

2. In STC.No.158 of 2022, by the impugned judgement, dated 01.03.2023, the Trial Court convicted and sentenced the petitioner for the offence under Section 138 of Negotiable Instruments Act, to undergo simple imprisonment for two months and to pay a compensation of Rs.25,000/- within two months, in default, to undergo simple imprisonment for one week. In Crl.A.No.76 of 2023, filed by the Revision Petitioner as against the same, the Principal Sessions Court, Srivilliputhur, confirmed the judgement of conviction and sentence of the Trial Court. Challenging the above conviction and sentence, the



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petitioner has filed Criminal Revision Petition in Crl.RC(MD)No.1243 of 2025 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

3. The learned counsel for the petitioner submitted that both the Trial Court and the Lower Appellate Court arrived at its conclusion without appreciating the entire materials placed on record and hence, the conviction recorded by the Trial Court is legally unsustainable, as it was passed by both the courts below on surmises and conjectures. The learned counsel for the Petitioner has submitted that as per the directions of this Court, dated 10.09.2025, the Petitioner has deposited a sum of Rs.25,000/- before the Trial Court and he has also produced a receipt for having deposited the said sum before the Trial Court.

4. 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 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



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disposal of this Criminal Revision Petition as the Petitioner was already granted bail during trial.

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

6. Considering the arguments advanced by the learned counsel for the petitioner, 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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WEB COPY 7. Considering the arguments advanced by the learned counsel for the petitioner, this Court observed that when the accused have been under incarceration for sometime and when there are points in the revision, which favour the accused, 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.

8. The 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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9. Accordingly, the relief of suspension of sentence and bail is granted to Revision Petitioner namely K.Sevukapandiyan, S/o.Kalimuthu on the following conditions:

- (i) The Revision petitioner shall surrender before the Learned Judicial Magistrate No.I, Sivakasi, within three weeks from today and on such surrender, the revision petitioner is ordered to be released on bail on his executing a 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 petitioner shall appear before the learned Judicial Magistrate No.I, Sivakasi, once in every month, ie., on the first working day, commencing from the month of October 2025, at 10.30 a.m., until further orders.

10. 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.

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

26.09.2025

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To:

1. Judicial Magistrate No.I, Sivakasi,
2. The Principal Sessions Judge, Srivilliputtur, Virudhunagar,

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SHAMIM AHMED, J.

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Order made in
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in
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Dated: 26.09.2025