



CRL.M.P.(MD)No.11896 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2025

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THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

CRL.M.P.(MD)No.11896 of 2025 in
CRL.R.C.(MD)No.1235 of 2025

Latha,
W/o.Ramamoorthy,
No.19, 3rd Cross, Sriram Nagar,
K.K.Nagar, Tiruchirappalli.

... Petitioner

vs.

Mathiarasi,
W/o.Ravindran,
Plot No.157, Indira Nagar,
First Street, K.K.Nagar,
Tiruchirappalli.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of B.N.S.S. praying to pass an order suspending the conviction and sentence imposed on the petitioner / accused by order dated 02.08.2023 passed in S.T.C.No.108 of 2014 on the file of the Judicial Magistrate No.II, Tiruchirappalli confirmed by order dated 15.07.2025 passed in Criminal Appeal in C.A.No.91 of 2023 on the file of the II Additional District and Sessions Court, Tiruchirappalli pending disposal of the Criminal Revision Petition.



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For Petitioner :Mr.Shangar Murali
For Respondent :Ms.Sangeetha
for Mr.Vijaya Akilan

ORDER

Heard Mr.Shangar Murali, learned Counsel for the Revision Petitioner, who appeared through video conferencing from Principal Seat Chennai along with Mr.S.Balaji, learned Counsel for the petitioner and Ms.Sangeetha, learned Counsel representing Mr.Vijaya Akilan, learned Counsel for the respondent.

2.This Criminal Miscellaneous Petition has been preferred, praying to suspend the conviction and sentence imposed on the petitioner / accused by order dated 02.08.2023 passed in S.T.C.No.108 of 2014 on the file of the Judicial Magistrate No.II, Tiruchirappalli confirmed by order, dated 15.07.2025 passed in Criminal Appeal in C.A.No.91 of 2023 on the file of the II Additional District and Sessions Court, Tiruchirappalli pending disposal of the Criminal Revision Petition.



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3.In S.T.C.No.108 of 2014, by the impugned judgement, dated 02.08.2023, 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 fine amount of Rs.10,00,000/-, in default, to undergo simple imprisonment for a period of two months. As against the same, the Revision Petitioner filed an appeal in Criminal Appeal No.91 of 2023 on the file of the II Additional District and Sessions Court, Tiruchirappalli, and the lower Appellate Court vide order dated 15.07.2025, dismissed the appeal confirming the order passed by the Trial Court. Challenging the same, the Revision Petitioner has filed Criminal Revision Petition in CrI.RC(MD)No.1235 of 2025 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4.The learned Counsel for the Revision Petitioner submits that the Revision Petitioner has already deposited a sum of Rs.2,00,000/- before the Trial Court.



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5. When the Revision Petition came up for hearing on 23.09.2025, this Court directed the Revision Petitioner to bring the demand draft to the tune of Rs.3,00,000/-, apart from the amount already deposited before the Trial Court.

6. Today, when the matter is being taken up, in compliance with the order, dated 23.09.2025 passed by this Court, the learned Counsel for the petitioner has brought a demand draft for a sum of Rs.3,00,000/- bearing No.519858 of Indian Overseas Bank, dated 16.10.2025, in the name of the respondent, Mathiarasi. The original demand draft was handed over to the respondent who is present before this Court in person through the learned Counsel for the respondent. The respondent/Mathirasi as well as the learned Counsel for the respondent have made endorsements in the photostat copy of the demand draft, which is taken on record.

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



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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 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 cooperate in disposal of revision.



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9.Ms.Sangeetha, learned Counsel for the respondent submits that the respondent has already withdrawn a sum of Rs.2,00,000/-, which was already deposited by the petitioner before the trial Court. Thus, the Respondent received the total amount to the tune of Rs.5,00,000/- (Rupees Five Thousand only). Thus, she submits that she has no objection, if the application for suspension of sentence and grant of bail is considered by this Court.

10.Considering the arguments advanced by the learned counsel for the parties, this Court 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.



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11. The 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.

12. Accordingly, the relief of suspension of sentence and bail is granted to Revision Petitioner, namely, Latha, W/o.Ramamoorthy, on the following conditions:

(i)The Revision Petitioner shall surrender before the Learned Judicial Magistrate No, II, Tiruchirappallil, 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.



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(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;

(iii) The Revision Petitioner shall appear before the learned Judicial Magistrate No.II, Tiruchirappalli, once in every month, ie., on the first working day, commencing from the month of November 2025, at 10.30 a.m., until further orders;

13. 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.

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

17.10.2025

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To:
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- 1.The II Additional District and Sessions Judge, Tiruchirappalli.
- 2.The Judicial Magistrate No.II, Tiruchirappalli.



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SHAMIM AHMED, J.

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