



Crl.MP(MD)No.13459 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2025

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THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.MP(MD)No.13459 of 2025

in

Crl.RC.(MD)No.1292 of 2025

S.Kanagaraj,
S/o.Subramaniyan,
4/1190, Samypuram Colony,
Palapatti Panchayat,
Sivakasi East,
Virudhunagar District.

... Petitioner

Vs.

K.Annadurai,
S/o.Karuppaiah,
1/202/6AL/K1/AD/1,
Amman Nagar,
Housing Board,
Sivakasi,
Virudhunagar District.

... Respondent

Prayer : This Criminal Miscellaneous Petition filed under Section 438(1) of B.N.S.S. praying to enlarge the Revision Petitioner on bail by suspending the sentence passed against him in the judgment in Criminal Appeal No.7 of 2023 on the file of the Principal District and Sessions



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Court, Virudhunagar at Srivilliputhur dated 25.06.2025, by confirming the judgment in S.T.C.No.657 of 2021 on the file of the Judicial Magistrate No.1, Sivakasi dated 14.12.2022, wherein the Petitioner has convicted to undergo 1 year simple imprisonment under Section 255(2) of Code of Criminal Procedure for the offence under Section 138 of Negotiable Instruments Act and to pay the cheque amount of Rs.3,00,000/- within 2 months as per Section 357(3) of Code of Criminal Procedure in default to undergo simple imprisonment pending disposal of the Criminal Revision Petition.

For Petitioner : Mr.S.Selva Kumar

ORDER

Heard Mr.S.Selva Kumar, learned Counsel for the Revision Petitioner.

2. This Criminal Miscellaneous Petition has been preferred, praying to suspend the Sentence, dated 14.12.2022 made in S.T.C.No. 657 of 2021 on the file of the Judicial Magistrate No.1, Sivakasi.



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3. In STC.No.657 of 2021, by the impugned judgement, dated 14.12.2022, 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 compensation of Rs.3,00,000/- within two months, in default, to undergo simple imprisonment for two months. As against the same, the Revision Petitioner filed Criminal Appeal No.7 of 2023 on the file of the Principal District and Sessions Court, Virudhunagar at Srivilliputhur and the lower Appellate Court vide order dated 25.06.2025, dismissed the appeal for default. Challenging the above conviction and sentence, the petitioner has filed Criminal Revision Petition in Crl.RC(MD)No.1292 of 2025 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. When the Revision Petition came up for hearing on 26.09.2025, this Court directed the Revision Petitioner to deposit 50% of the compensation amount ie., Rs.1,50,000/- before the Trial Court. In compliance with the order dated 26.09.2025 passed by this Court, an amount of Rs.1,50,000/- [Rupees One Lakh Fifty Thousand only] was



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deposited on 07.10.2025 to the credit of S.T.C.No.657 of 2021, dated 14.12.2022 on the file of the Judicial Magistrate No.1, Sivakasi. A copy of the receipt is produced before this Court and the same is taken on record. The learned Counsel further submits that the Revision Petitioner has been confined at Central Prison, Madurai. 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 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 disposal of this Criminal Revision Petition.

6. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision petitioner have also been



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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.

7. Considering the arguments advanced by the learned counsel for the petitioner, 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



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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 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.

9. Accordingly, the relief of suspension of sentence and bail is granted to Revision Petitioner namely S.Kanagaraj, S/o.Subramaniyan on the following conditions:

- (i) 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;
- (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 November 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**.

17.10.2025

Nsr

Note: Issue Order Copy on 17.10.2025.



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To:

WEB COPY

1. The Judicial Magistrate No.I, Sivakasi.
2. The Principal District and Sessions Court, Virudhunagar at Srivilliputhur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.

Copy To:

Central Prison, Madurai.



WEB COPY



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SHAMIM AHMED, J.

Nsr

Order made in
CrI.MP(MD)No.13459 of 2025
in
CrI.RC.(MD)No.1292 of 2025

Dated: 17.10.2025