



Crl.MP(MD)No.14026 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.14026 of 2025

in

Crl.RC.(MD)o.1315 of 2025

S.Rajkumaran,
S/o.Selvam,
Pokkuvarathu Nagar,
Vani Post,
Ramanathapuram District.

... Petitioner

Vs.

1.Muniyasamy,
S/o.Sethu,
Pokkuvarathu Nagar, Vani Post,
Ramanathapuram District.

2.The Superintendent of Police,
Madurai Central Prison,
Madurai.

... Respondents

(R-2 is impleaded vide order as per the order of this Court dated
09.10.2025 in Crl.RC(MD)No.1315 of 2025)



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Prayer : This Criminal Miscellaneous Petition filed under Section 438(1) of B.N.S.S. praying to suspend the sentence imposed upon the petitioner in Crl.A.No.12 of 2025 by the learned Additional District Sessions Judge, Ramanathapuram, dated 13.08.2025 by confirming the judgment passed in STC.No.1898 of 2022, Judicial Magistrate No.II, Ramanathapuram dated 27.12.2024 and enlarge the petitioner on bail.

For Petitioner : Mr.A.Arun Ramnath

For R-2 : Mr.A.S.Abul Kalam Azad
Government Advocate
(Criminal Side)

ORDER

Heard Mr.A.Arun Ramnath, learned Counsel for the Revision Petitioner and Mr.A.S.Abul Kalam Azad, learned Government Advocate (Criminal Side) for the 2nd Respondent.

2. This Criminal Miscellaneous Petition has been preferred, praying to suspend the sentence imposed upon the petitioner in Crl.A.No. 12 of 2025 by the learned Additional District Sessions Judge,

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Ramanathapuram, dated 13.08.2025 by confirming the judgment passed in STC.No.1898 of 2022, Judicial Magistrate No.II, Ramanathapuram dated 27.12.2024 and enlarge the petitioner on bail.

3. In STC.No.1898 of 2022, by the impugned judgement, dated 27.12.224, 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.7,44,250/- within two months, in default, to undergo simple imprisonment for two months. As against the same, the Revision Petitioner filed Criminal Appeal No.12 of 2025 on the file of the Additional District and Sessions Judge, Ramanathapuram and the lower Appellate Court vide order dated 13.08.2025, dismissed the appeal confirming the order passed by the Trial Court. Challenging the same, the Revision Petitioner has filed Criminal Revision Petition in Crl.RC(MD)No.1315 of 2025 along with the instant miscellaneous petition, seeking suspension of sentence and bail.



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4. The learned Counsel for the Revision Petitioner submits that the Revision Petitioner has already deposited 10% of the compensation amount ie., a sum of Rs.75,000/- before the Trial Court.

5. When the Revision Petition came up for hearing on 09.10.2025 this Court directed the Revision Petitioner to deposit 50% of the compensation amount, apart from the amount already deposited before the Trial Court. In compliance with the order dated 09.10.2025 passed by this Court, an amount of Rs.3,72,125/- [Rupees Three Lakh Seventy Two Thousand One Hundred Twenty Five only] was deposited on 13.10.2025 to the credit of STC.No.1898 of 2022, dated 27.12.2024 on the file of the learned Judicial Magistrate No.II, Ramanathapuram. 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. 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



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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.

6. 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.

7. 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



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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.

8. Mr.A.S.Abul Kalam Azad, learned Government Advocate (Criminal Side) for the 2nd Respondent has opposed the argument advanced by the learned counsel for the Revision Petitioner and submits that the judgments passed by both the Courts are as per law after considering the entire evidence, thus the relief sought by the Revision Petitioner at this stage be refused by this Court.

9. Considering the arguments advanced by the learned counsel for the Revision Petitioner and the learned Government Advocate (Criminal Side), this Court observed that when the accused has been under



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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.

10. 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.

11. Accordingly, the relief of suspension of sentence and bail is granted to Revision Petitioner namely S.Rajkumaran, S/o.Selvam on the



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following conditions:

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- (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.II, Ramanathapuram, 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.

11. 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.



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

17.10.2025

Nsr

Note: Issue Order Copy on 17.10.2025.

To:

- 1.The Additional District Sessions Judge,
Ramanathapuram.
- 2.The Judicial Magistrate No.II, Ramanathapuram
- 3.The Superintendent of Police, Madurai Central
Prison.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy To:

Central Prison, Madurai.

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SHAMIM AHMED, J.

Nsr

Order made in
Crl.MP(MD)No.14026 of 2025
in
Crl.RC.(MD)No.1315 of 2025

Dated: 17.10.2025