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CRL MP(MD) NO. 18787 of 2025
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-12-2025

CORAM

THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD) NO. 18787 of 2025

IN

CRL RC(MD) NO. 1491 OF 2025

Palanisamy

Petitioner(s)

Vs

Jeyapal

Respondent(s)

For Petitioner(s):

Mr.Vishnu J

Prayer:

To Suspend the sentence imposed by the learned Principal Sessions Judge, Theni dated 28.08.2025 in C.A.No.16 of 2025, confirming the judgment passed by the learned Judicial Magistrate, Periyakulam, in S.T.C.No.541 of 2022 by order dated 15.10.2024 pending the disposal of the above criminal revision petition.

ORDER

Heard Mr.J.Vishnu learned Counsel for the petitioner.

2.This Criminal Miscellaneous Petition has been filed, praying to suspend the sentence imposed upon petitioner by the learned Judicial Magistrate, Periyakulam in S.T.C.No.541 of 2022 dated 15.10.2024 which was confirmed by the learned Principal



Sessions Judge, Theni in CrI.A.No.16 of 2025, dated 28.08.2025.

3.Learned counsel for petitioner would submit that petitioner was convicted by Judicial Magistrate, Periyakulam for offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.541 of 2022 dated 15.10.2024 and sentenced him to undergo one year Simple Imprisonment and to pay compensation of Rs.4,00,000/- to the respondent. Aggrieved petitioner filed criminal appeal in CrI.A.No.16 of 2025 before Principal Sessions Judge, Theni and the lower Appellate Court, by the judgment dated 28.08.2025 dismissed the appeal confirming the conviction and sentence passed by the trial Court. Aggrieved petitioner filed CrI.R.C.(MD)No.1491 of 2025 before this Court along with instant miscellaneous petition seeking suspension of sentence.

4.Learned Counsel for 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 cheque amount, before the trial Court. The petitioner is now confined at Central Prison, Madurai. Hence, he prayed for granting suspension of sentence to the petitioner.

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

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



sentence on the following conditions, till the disposal of the above Criminal Revision.

I) Petitioner is directed to deposit 50% of cheque amount to the credit of S.T.C.No.541 of 2022, dated 15.10.2024, on the file of Judicial Magistrate, Periyakulam within a period of four weeks from the date of receipt of a copy of this order, failing which the sentence suspended shall stand automatically vacated 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, 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, Theni;

iii) 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) Petitioner shall appear and sign before Judicial Magistrate, Fast Track Court, Theni, on the first working day of every month at 10.30 a.m., until the disposal of the revision;

v) In case, if 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, this Criminal Miscellaneous Petition is **ordered**.

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02-12-2025

LR

Note: Issue order copy on 05.12.2025

To:

1. The Judicial Magistrate, Periyakulam.

2. The Judicial Magistrate,
Fast Track Court, Theni.

3. The Principal Sessions Judge, Theni.

4. The Additional Public Prosecutor,

Madurai Bench of Madras High Court,

Madurai.

Copy To:

The Superintendent,
Central Prison, Madurai