



CRL.M.P.(MD)No.17162 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.11.2025

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.M.P.(MD)No.17162 of 2025

in

CRL.R.C.(MD)No.1442 of 2025

P. Velmurugan
S/o.Palraj
No.15A/32
Forest Road
Rajamandapam Street
Theni
Theni Taluk
Theni District

... Petitioner

vs.

D.N. Kumaresan
S/o.Late.Nagalingam
D.No.3/88
Nagabhavanam
Aranmanai Street
Kandamanur
Andipatti Taluk
Theni District

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023, to grant an order of Suspension of Sentence imposed on the petitioner by the Honble Principal District and Sessions Judge, Theni in C.A.No.51/2021 dated 19.08.2025 confirming the Judgment of the Learned Judicial Magistrate, Fast Track Court, Theni in STC.No.6 of



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2020 dated 20.04.2021 and to enlarge the petitioner on bail, pending disposal of the Criminal Revision Petition.

For Petitioner :Mr.M.Kannan

ORDER

Heard Mr.M.Kannan learned Counsel for the Revision Petitioner and also this Court has taken the assistance of Mr.A.S.Abul Kalam Azad, learned Government Advocate.

2.This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed upon the Revision Petitioner by the learned Judicial Magistrate, Fast Track Court, Theni in STC.No.6 of 2020 dated 20.04.2021, which was confirmed by the learend Principal District and Sessions Judge, Theni in C.A.No.51/2021 dated 19.08.2025, wherein, the Revision Petitioner, was convicted for offence under Section 138 of Negotiable Instruments Act, to undergo simple imprisonment for two months and to pay a compensation of Rs.1,00,000/- with interest at the rate of 9% per annum from the date of dishonour of the cheque, within one month, in default, to undergo simple imprisonment for 15



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days. Challenging the above conviction and sentence, the Revision Petitioner has filed Criminal Revision Petition in CrI.RC(MD)No.1442 of 2025 along with the instant Miscellaneous Petition, seeking suspension of sentence and bail.

3. When the matter was taken up on 13.11.2025, the learned Counsel for the Revision Petitioner submitted that in compliance of the order passed by the learned Principal District and Sessions Judge, Theni, the petitioner has already deposited 20% of the compensation amount, ie., a sum of Rs.20,000/- before the trial Court, out of the total compensation amount of Rs.1,00,000/- and the petitioner was ready to deposit a further 30% of the remaining compensation amount ie., a sum of Rs.30,000/- and accordingly, the case was posted to today (24.11.2025).

4. Today, when the matter is being taken up, Mr.M.Kannan, learned Counsel for the Revision Petitioner submits that in compliance with the order dated 13.11.2025, the Revision Petitioner has deposited 30% of the remaining compensation amount ie., Rs.30,000/- [Rupees



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Thirty Thousand only] on 21.11.2025 to the credit of STC.No.6 of 2020 on the file of the learned Judicial Magistrate, Fast Track Court, Theni. A copy of the deposit receipt is produced before this Court and the same is taken on record. The learned Counsel further submits that the Revision Petitioner has shown his bonafide by depositing the amount in compliance with the orders passed by this Court, dated 13.11.2025 and thus prays 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 Revision 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 Revision 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, as the Revision Petitioner was already granted bail during trial.



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6. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision Petitioner has 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.

7. Per contra, Mr.A.S.Abul Kalam Azad, the learned Government Advocate who appeared for the State assisted this Court in the matter, has vehemently opposed the submissions made 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.



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8. Considering the arguments advanced by the learned counsel for the Revision Petitioner and the learned Government Advocate for the State, who assisted this Court, 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.

9. Further, it is 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.

10. The Revision Petitioner has raised substantial grounds in the



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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.

11. Accordingly, the relief of suspension of sentence and bail is granted to Revision Petitioner viz., P.Velmurugan, S/o.Palraj, on the following conditions:

- (i) The Revision petitioner shall surrender before the Judicial Magistrate, Fast Track Court, Theni, within three weeks from today and on such surrender, the Revision Petitioner is ordered to be released on bail on his executing 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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(i11) The Revision Petitioner shall appear before the Judicial Magistrate, Fast Track Court, Theni, once in every month, ie., on the first working day, commencing from the month of December 2025, at 10.30 a.m., until further orders.

12.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.

13.The respondent is permitted to file an application before the learned Judicial Magistrate, Fast Track Court, Theni, for withdrawal of Rs.50,000/-, which was already deposited by the petitioner on various occasions, and if any such application is filed by the respondent, the trial Court is directed to disburse the above amount to the respondent within a period of 10 days from the date of filing of such application.



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

24.11.2025

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To

1.The Principal District and Sessions Judge,
Theni.

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



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SHAMIM AHMED, J.

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