



Crl.MP(MD)No.17688 of 2025
in
Crl.R.C.(MD)No.1454 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

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in
Crl.R.C.(MD)No.1454 of 2025

Mahamuni,
S/o.Ponnusamy,
No.117, Sivan Kovil Street,
Somarsampettai, Allithurai,
Tiruchirapalli.

... Petitioner

Vs.

Chitra,
W/o.Thangappan,
Thirumangalakottai West Village,
Orathanadu Taluk,
Tanjore District.

... Respondent

Prayer : This Criminal Miscellaneous Petition filed under Section 430 of B.N.S.S. praying to suspend the Sentence imposed upon the Revision Petitioner passed in C.A.No.55 of 2023, dated 08.01.2025 on the file of the Principal Sessions Court of Thanjavur, confirming the order passed in S.T.C.No.198 of 2018, dated 27.01.2023 on the file of learned Judicial Magistrate (Fast Track Court), Thanjavur, sentencing the Petitioner to undergo simple imprisonment for one year and to pay cheque amount



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Rs.7,00,000/- as compensation and in default undergo 2 months simple imprisonment and enlarge the petitioner on bail.

For Petitioner : Mr.R.Surya Prakash
For Assistance : Mr.M.Karunanithi
Government Advocate
(Criminal Side)

ORDER

Heard Mr.R.Surya Prakash, learned Counsel for the Revision Petitioner and also this Court has taken the assistance of Mr.M.Karunanithi, learned Government Advocate (Criminal Side) for the State.

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), Thanjavur in S.T.C.No.198 of 2018, vide order dated 27.01.2023, which was confirmed by the learned Principal Sessions Judge, Thanjavur, in C.A.No.55 of 2023, dated 08.01.2025, wherein the Revision Petitioner,



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was convicted for offence under Section 138 of Negotiable Instruments Act, to undergo simple imprisonment for one year and to pay a compensation of Rs.7,00,000/- to the Respondent within one month, in default, to undergo simple imprisonment for two months. Challenging the above conviction and sentence, the Revision Petitioner has filed Criminal Revision Petition in Crl.RC(MD)No.1454 of 2025 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

3. This Court on 23.10.2025 in the delay condonation application in Crl.M.P.(MD)No.14987 of 2025 passed the following order:

*“Heard Mr.R.Surya Prakash, learned Counsel
for the Petitioner.*

*2. This petition has been filed to condone the
delay of 154 days in filing the instant criminal
revision case as against the judgment passed by the
learned Principal Sessions Judge, Thanjavur in
Crl.A.No.55 of 2023, dated 08.01.2025, confirming
the conviction and sentence imposed by the learned
Judicial Magistrate (Fast Track Court), Thanjavur in*



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S.T.C.No.198 of 2018, dated 27.01.2023, thereby the Revision Petitioner was convicted for offence under Section 138 of Negotiable Instruments Act and sentenced to undergo 1 year simple imprisonment and to pay a compensation of Rs.7,00,000/- within one month to the Respondent and in default to undergo simple imprisonment for two months.

3. Being satisfied with the reasons stated in the affidavit filed in support of this petition, the delay is hereby condoned on condition that the Revision Petitioner shall pay a sum of Rs.1,000/- [Rupees One Thousand only] to “Anbagam,” an institution for mentally handicapped children, Race Course Road, Madurai – 625 002, having Account No. 1012101008800 in the name of “ANBAGAM,” Canara Bank, Thallakulam Branch, IFSC Code: CNRB0001012, within ten days from today.

4. On receipt of such payment, Registry is directed to number the Criminal Revision Petition, if it is otherwise in order.

5. Mr.R.Surya Prakash, learned counsel for the Revision Petitioner, submits that the Revision Petitioner has already deposited 20% of the compensation amount before the Trial Court. He



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further submits that the Revision Petitioner is willing to deposit an additional 30% of the remaining compensation amount to the credit of S.T.C. No. 198 of 2018, dated 27.01.2023, on the file of the Judicial Magistrate (Fast Track Court), Thanjavur, and undertakes to produce the receipts for payment of the 20% and 30% amounts on the next date fixed. He prays this Court to grant suspension of sentence and grant bail to the Revision Petitioner on such payment. The learned counsel for the petitioner prays to grant some time to deposit 30% of the remaining compensation amount, before the Trial Court.

6. Accordingly, after considering the submission made by the learned counsel for the Revision Petitioner that the Revision Petitioner is ready to deposit 30% of the remaining compensation amount to the credit of S.T.C. No. 198 of 2018, dated 27.01.2023, on the file of the Judicial Magistrate (Fast Track Court), Thanjavur, and the assurance given by the learned counsel that he will produce the receipts for both payments, this Court grants two weeks time to the Revision Petitioner to deposit 30% of the remaining compensation amount and to



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produce the receipts evidencing payment of 20% and 30% of the compensation amount, without fail.

7. List the Criminal Revision Petition on 19.11.2025 “for admission” and for consideration of the application for suspension of sentence and for grant of bail to the Revision Petitioner, before this Court.”

4. Mr.R.Surya Prakash, learned counsel for the Revision Petitioner, submits that in compliance with the order dated 23.10.2025 passed by this Court, the Revision Petitioner has deposited 30% of the compensation amount, ie.,Rs.2,10,000/- (Rupees Two Lakh Ten Thousand only), on 05.11.2025 vide receipt No. 8301033, into the credit of S.T.C. No. 198 of 2018, dated 27.01.2023, on the file of the Judicial Magistrate (Fast Track Court) at Magisterial Level, Thanjavur. Furthermore, the acknowledgment for the payment of 20% of the compensation amount, i.e., Rs. 1,40,000/- (Rupees One Lakh Forty Thousand only), made earlier on 28.03.2023 vide Challan No. 20230328012764, to the credit of S.T.C. No. 198 of 2018, dated



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27.01.2023, on the file of the Judicial Magistrate (Fast Track Court) at Magisterial Level, Thanjavur, has also been filed along with the memo. Copies of the deposit receipts, together with the memo, have been filed before this Court and are already on record. He submits that the Revision Petitioner has paid Rs.3,50,000/- in total and thus prays that this Court may grant the relief of suspension of sentence and bail to the Revision Petitioner, 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 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 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.M.Karunanithi, learned Government Advocate (Criminal Side) 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



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evidence, thus the relief sought by the Revision Petitioner at this stage be refused by this Court.

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***



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is of relevance.

10. The Revision Petitioner has raised substantial grounds in the 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 namely Mahamuni, S/o.Ponnusamy, on the following conditions:

- (i) The Revision petitioner shall surrender before the learned Judicial Magistrate (Fast Track Court), Thanjavur, within three weeks from today and on such surrender, 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.



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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; and;
- (iii) The Revision Petitioner shall appear before the learned Judicial Magistrate (Fast Track Court), Thanjavur, 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. With the above directions, this Criminal Miscellaneous Petition is **ordered**.



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14. The Respondent is permitted to file an appropriate application before the file of the Judicial Magistrate (Fast Track Court) at Magisterial Level, Thanjavur, seeking withdrawal for a sum of Rs.1,40,000 (Rupees One Lakh Forty Thousand only), which was deposited on 28.03.2023 by the Revision Petitioner to the credit of S.T.C. No. 198 of 2018, dated 27.01.2023 and for a sum of Rs.2,10,000/- (Rupees Two Lakh Ten Thousand only), which was deposited on 05.11.2025 by the Revision Petitioner, to the credit of S.T.C. No. 198 of 2018, dated 27.01.2023. Upon receipt of such application, the Judicial Magistrate (Fast Track Court) at Magisterial Level, Thanjavur, is directed to process the same and release the aforesaid amount to Respondent within a period of ten (10) days from the date of receipt of the application.

19.11.2025

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WEB COPY To:

- 1.The Principal Sessions Court, Thanjavur.
- 2.The Judicial Magistrate (Fast Track Court), Thanjavur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SHAMIM AHMED, J.

Nsr

Order made in
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