



CRL.M.P.(MD)No.14765 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.11.2025

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.M.P.(MD)No.14765 of 2025

in

CRL.R.C.(MD)No.1345 of 2025

Stephen Jeyasekar,
S/o. I.Thobiyas,
1/99A, Kottavilai,
Karukkupanai,
Vilavancode Taluk,
Kanyakumari District.

... Petitioner

VS.

T.Abraham Thobiyas,
S/o.I.Thobiyas,
Parisavilai, Kootamavu,
Mulagumoodu Post,
Valvacchagoastam Village,
Kalkulam Taluk, Kanyakumari District.

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 438(1) of BNSS, 2023, to suspend the sentence imposed by the learned Judicial Magistrate Fast Track Court, Nagercoil in S.T.C.No.453 of 2018 dated 15.02.2021 confirming by learned Additional District and Sessions Court (Fast Track Court), Nagercoil in Crl.A.No.13 of 2021, dated 23.08.2025 till the disposal of the Revision Petition.



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For Petitioner :Mr.A.Balakrishnan

ORDER

Heard Mr.A.Balakrishnan, learned Counsel for the Revision Petitioner.

2.This Criminal Miscellaneous Petition has been preferred, praying to suspend the sentence, dated 15.02.2021 made in S.T.C.No.453 of 2018 on the file of the Judicial Magistrate Fast Track Court, Nagercoil.

3.In S.T.C.No.453 of 2018, by the impugned judgement, dated 15.02.2021, the Trial Court has convicted and sentenced the Revision Petitioner for the offence under Section 138 of Negotiable Instruments Act, 1881, to undergo simple imprisonment for a period of six months and to pay a compensation of Rs.2,00,000/-, in default, to undergo simple imprisonment for one month. As against the same, the Revision Petitioner has filed Criminal Appeal No.13 of 2021 on the file of the Additional District and Sessions Court (Fast Track Court), Nagercoil, and the lower Appellate Court vide order, dated 23.08.2025, dismissed



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the said appeal. Challenging the above conviction and sentence, the petitioner has filed Criminal Revision Petition in CrI.R.C(MD)No.1345 of 2025 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. When the Revision Petition came up for hearing on 17.10.2025, this Court directed the Revision Petitioner to deposit 50% of the compensation amount ie., Rs.1,00,000/- before the Trial Court. In compliance with the order, dated 17.10.2025 passed by this Court, an amount of Rs.1,00,000/- was deposited on 03.11.2025 to the credit of S.T.C.No.453 of 2018, on the file of the Judicial Magistrate Fast Track Court, Nagercoil. A copy of the deposit receipt bearing No.038096 is produced before this Court and the same is taken on record. 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.



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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 Case.

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.



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7.Considering the arguments as advanced by the learned Counsel for the Revision Petitioner, 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 placed before it and during trial, the Revision Petitioner was also on bail.

8.Considering the arguments advanced by the learned Counsel for the Revision 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 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.

9.The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Further, the Revision is not likely to be



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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.

10. Accordingly, the relief of suspension of sentence and bail is granted to Revision Petitioner, namely, Stephen Jeyasekar, S/o. I.Thobiyas, on the following conditions:

- (i) The Revision Petitioner shall surrender before the learned Judicial Magistrate Fast Track Court, Nagercoil 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.
- (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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- (iii) The petitioner shall appear before the Judicial Magistrate Fast Track Court, Nagercoil, 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.

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.

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

04.11.2025

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To

1. The Judicial Magistrate Fast Track Court, Nagercoil.
2. The Additional District and Sessions Judge
(Fast Track Court), Nagercoil.



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SHAMIM AHMED, J.

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