



Crl.RC(MD).No.1401 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

CRL RC(MD) No.1401 of 2025

A.P. Suseela, D/o.Perumal,
Flat No.H-50, TNHB Colony
Sector IV, Anaiyur, Madurai

Revision Petitioner/ accused

Vs

M. Rajkumar, S/o.Marimuthu,
D.No.19/1, Sowbackiya Nagar 1st Street
Thirunagar, Madurai.

Respondent/ complainant

Prayer: This Criminal Revision Petition is filed under Sections 438 and 442 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records relating to the order, dated 12.09.2025, passed in Crl.M.P.No.4238 of 2025 in Crl.A.No.136 of 2025, by the Principal Sessions Judge, Madurai.

For Petitioner : Mr.R.Venkateswaran

ORDER

1. Since this Criminal Revision Case is taken up for final disposal, at the admission stage itself, notice to the Respondent is dispensed with.
2. This Criminal Revision Case has been filed, against the order passed in Crl.MP.No.4238 of 2025, dated 12.09.2025 in Crl.A.No.136 of 2025,



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by the Principal Sessions Judge, Madurai.

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3. The facts of the case in a nutshell, led to filing of this Criminal Revision Petition and necessary for disposal of the same, are as follows:-

(a) The case is one under Section 138 of the Negotiable Instruments Act. The Revision Petitioner herein is the accused and the Respondent herein is the complainant. By the judgement, dated 28.08.2025, in STC.No.13 of 2018, filed by the Respondent for recovery of a sum of Rs.5,00,000/- being the cheque amount, before the Judicial Magistrate No.II, FTC, Madurai, the Revision Petitioner was convicted and sentenced for the offence under Section 138 of the Negotiable Instruments Act, to undergo one year Simple Imprisonment and to pay a compensation of Rs.5,00,000/-, being the cheque amount, in default, to undergo Simple Imprisonment for three months.

(b) As against the same, the Revision Petitioner had preferred an appeal in Crl.A.No.136 of 2025, before the Principal Sessions Judge, Madurai, along with a petition in Crl.MP.No.4238 of 2025, for grant of suspension of sentence and bail. It was pleaded by the Revision Petitioner before the lower appellate court that she has no source to deposit the compensation amount. However, considering the facts



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and circumstances of the case, the lower appellate court, by the impugned order, had passed the following order, granting suspension of sentence and bail:-

“The petitioner is directed to surrender within 30 days before the Judicial Magistrate concerned and the petitioner is ordered to be released on bail on executing a bond for Rs.10,000/- with two sureties each for the like sum to the satisfaction of the learned Judicial Magistrate No.II, FTC at Magistrate Level, Madurai.

2. The petitioner is directed to deposit 20% of the compensation amount before the learned Judicial Magistrate No.II, FTC at Magistrate Level, Madurai within a month.

3. The petitioner/accused should appear before the VI Additional District and Sessions Judge, Madurai on 13.10.2025 and on further hearings without fail. ”

(c) As against the same, this Criminal Revision Case has been filed by the Revision Petitioner/ accused, again contending that due to financial crisis, she is unable to arrange the compensation amount, as ordered by the lower appellate court.

4. This Court heard Mr.R.Venkateswaran, the learned counsel for the Revision Petitioner/ accused and considered his submissions and also perused the entire materials placed on record.

5. According to the Revision Petitioner/ accused, since the Revision Petitioner, being aged about 69 years and spinster, is facing financial



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crisis, she is unable to deposit the 20% of the compensation amount, as ordered by the lower appellate court and hence, she may be exempted from depositing the said amount. The learned counsel for the Revision Petitioner/ accused has also raised several other grounds against the judgement of conviction and sentence of the Trial Court.

6. It is seen from the records that the Revision Petitioner/ accused was convicted and sentenced by the Trial Court, for the offence under Section 138 of the Negotiable Instruments Act to undergo one year Simple Imprisonment and to pay a compensation of Rs.5,00,000/- being the cheque amount, in default to undergo three months Simple Imprisonment.
7. It is seen that without paying the compensation as ordered by the Trial Court, the Revision Petitioner had preferred the appeal before the lower appellate court, along with the petition for grant of suspension of sentence and bail.
8. While considering the said application for grant of suspension and bail, the lower appellate court has found that the Revision Petitioner was absent on the date of the judgement of the Trial Court and hence, Non Bailable Warrant was issued against her and the same is pending. The Revision Petitioner had put forth her inability to pay the compensation



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amount or part thereof, before the lower appellate court. However, the lower appellate court has found that there was no valid reason assigned by the Revision Petitioner for exempting the Revision Petitioner from depositing of 20% of the compensation amount, as contemplated under Section 138 of the Negotiable Instruments Act. However, considering the facts and circumstances of the case, the lower appellate court, by the impugned order, had granted suspension of sentence and bail, with conditions, as stated above.

9. However, the Revision Petitioner, without complying any one of the conditions imposed in the impugned order by the lower appellate court, viz. (i) surrender within 30 days, (ii) execution of bond, (iii) deposit of 20% of the compensation amount and (iv) appearance before the court below on 13.10.2025, the Revision Petitioner has approached this Court. The learned counsel for the Revision Petitioner is not able to say anything as to whether any one of the said conditions was complied with by the Revision Petitioner.

10. Further, as stated above, before the Trial Court, the Revision Petitioner had absconded and NBW was issued against her and the same is pending. Hence, it is to be held that the Revision Petitioner has no respect to the orders of the Court. This Court also finds that there is no



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valid reason assigned by the Revision Petitioner for exempting her from paying the 20% of the compensation amount, as ordered by the lower appellate court, by the impugned order.

11.Hence, considering the said aspects, this Court is of the view that the lower appellate court had rightly passed the impugned order, granting suspensin of sentence and bail, with the conditions, as stated above and that there is no infirmity or illegality in the impugned order of the lower appellate court, which warrants interference by this Court. Accordingly, this Criminal Revision Case is liable to be dismissed. However, the other grounds raised by the Revision Petitioner in this Criminal Revision Case can be appreciated for adjudication in the appeal by the lower appellate court.

12.In the result, this Criminal Revision Case is dismissed. There is no order as to costs. The file is consigned to record. The lower appellate court is directed to dispose of the appeal, without granting any unnecessary adjournment to either of the parties, expeditiously, in accordance with law.

13. Let a copy of this order be sent by the Registry to the concerned Trial/Appellate Court, within two weeks from today, for necessary compliance and information, to be kept in the file of the Trial Court



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Index: Yes/No
Web: Yes/No
Speaking/Non Speaking
Neutral Citation
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To

1. Principal Sessions Judge, Madurai.
2. The Additional Public Prosecutor, Madurai Bench of the Madras High Court, Madurai.



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SHAMIM AHMED J.,

Srclm

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