



Crl.MP(MD)Nos.19139 and 19140 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.12.2025**

CORAM

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

Crl.MP(MD)Nos.19139 and 19140 of 2025

in

Crl.RC.(MD)No.1510 of 2025

R.Iyyappan @ R.Ayyappan

... Petitioner

Vs.

D.Shunmugaraja

... Respondent

Prayer in Crl.MP(MD)No.19139 of 2025: This Criminal Miscellaneous Petition filed under Section 430(1) and 483 of B.N.S.S. praying to suspend the sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Nagercoil, Kanyakumari District in Crl.Appeal No.153 of 2018 dated 25.10.2025, confirming the judgment passed by the learned Judicial Magistrate, Fast Track Court, Nagercoil, Kanyakumari District STC.No.211 of 2016 dated 10.11.2018.

Prayer in Crl.MP(MD)No.19140 of 2025: This Criminal Miscellaneous Petition filed under Section 528 of B.N.S.S. praying to exempt the petitioner from surrendering before the trial Court in pursuance of the



Crl.MP(MD)Nos.19139 and 19140 of 2025

judgment dated 25.10.2025 passed by the learned Sessions Judge, Fast Track Mahila Court, Nagercoil, Kanyakumari District in Crl.Appeal No. 153 of 2018, confirming the judgment passed by the learned Judicial Magistrate, Fast Track Court, Nagercoil, Kanyakumari District STC.No. 211 of 2016 dated 10.11.2018.

For Petitioner : Mr.L.George Paul Anto

ORDER

Heard Mr.L.George Paul Anto learned counsel for the petitioner.

2.Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioner by Judicial Magistrate, Fast Track Court, Nagercoil, Kanyakumari District, in STC.No.211 of 2016, dated 10.11.2018, which was confirmed by Sessions Judge, Fast Track Mahila Court, Nagercoil, Kanyakumari District in Crl.Appeal No. 153 of 2018 dated 25.10.2025 and to exempt the petitioner from surrendering before the Court below.



Crl.MP(MD)Nos.19139 and 19140 of 2025

WEB COPY

3.Learned counsel for petitioner would submit that petitioner was convicted by Judicial Magistrate, Fast Track Court, Nagercoil, Kanyakumari District, for offence under Section 138 of the Negotiable Instruments Act, 1881 in S.T.C.No.211 of 2016 dated 10.11.2018 and sentenced him to undergo six months Simple Imprisonment and to pay compensation of Rs.3,00,000/- to respondent. Aggrieved, petitioner filed Criminal Appeal in Crl.A.No.153 of 2018 before Sessions Judge, Fast Track Mahila Court, Nagercoil, Kanyakumari District and the lower Appellate Court, by judgment dated 25.10.2025, dismissed the appeal, confirming the conviction and sentence passed by trial Court. Aggrieved, petitioner filed Crl.R.C.(MD)No.1510 of 2025 before this Court along with instant Miscellaneous Petitions seeking suspension of sentence, exemption from surrender and bail.

4.Learned Counsel for petitioner would further submit that petitioner has raised substantial grounds in the above revision, which



Crl.MP(MD)Nos.19139 and 19140 of 2025

requires consideration; and that to show his bonafides, petitioner is willing to deposit 50% of the cheque amount, before the trial Court. 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 sentence and exempt the petitioner from surrendering before the trial court, 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.211 of 2016 dated 10.11.2018 on the file of Judicial Magistrate, Fast Track Court, Nagercoil, Kanyakumari District, after deducting amount, if any already paid, towards the said cheque, 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

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



Crl.MP(MD)Nos.19139 and 19140 of 2025

and 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 Judicial Magistrate, Fast Track Court, Nagercoil, Kanyakumari District;

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, Nagercoil, Kanyakumari District, 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.



Crl.MP(MD)Nos.19139 and 19140 of 2025

WEB COPY

6. Accordingly, these Criminal Miscellaneous Petitions are
ordered.

04.12.2025

mm

To:

1. Judicial Magistrate, Fast Track Court, Nagercoil, Kanyakumari District.
2. Sessions Judge, Fast Track Mahila Court, Nagercoil, Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Note: Issue Order Copy on 10.12.2025.



WEB COPY



Crl.MP(MD)Nos.19139 and 19140 of 2025

MOHAMMED SHAFFIQ, J.

mm

Crl.MP(MD)Nos.19139 and 19140 of 2025
in
Crl.RC.(MD)No.1510 of 2025

04.12.2025