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CRL MP(MD) NO. 18883 of 2025  
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-12-2025

CORAM

THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD) NO. 18883 of 2025

IN

CRL RC(MD) NO. 1496 OF 2025

G.Nagarajan

Petitioner(s)

Vs

S.Sureshkumar

Respondent(s)

**For Petitioner(s):**

Mr.A.Baskaran

**Prayer:**

To suspend the sentence imposed against the petitioner in STC No.453/2022 dated 26.06.2023 by the Learned Judicial Magistrate Court No.I, at Sivakasi and the same confirmed by the Learned Principal Sessions Judge Virudhunagar @ Srivilliputhur in C.A.No.108/2023 dated 02.09.2025 and enlarge the petitioner on bail.

### **ORDER**

Heard Mr.A.Baskaran learned Counsel for the petitioner.

2.This Criminal Miscellaneous Petition has been filed, praying to suspend the sentence imposed upon petitioner by Judicial Magistrate No.I, Sivakasi in S.T.C.No.453



of 2022 dated 26.06.2023 which was confirmed by Principal Sessions Judge, Srivilliputhu, Virudhunagar District in Crl.A.No.108 of 2023, dated 02.09.2025.

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3.Learned counsel for petitioner would submit that petitioner was convicted by Judicial Magistrate No.I, Sivakasi for offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.453 of 2022 dated 26.06.2023 and sentenced him to undergo one year Simple Imprisonment and to pay compensation of Rs.4,00,000/- to respondent. Aggrieved petitioner filed criminal appeal in Crl.A.No.108 of 2023 before Principal Sessions Judge, Srivilliputhu, Virudhunagar District and the lower Appellate Court, by the judgment dated 02.09.2025 dismissed the appeal confirming the conviction and sentence passed by the trial Court. Aggrieved the petitioner filed Crl.R.C.(MD)No. 1496 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4.Learned Counsel for petitioner would further submit that petitioner has raised substantial grounds in the above revision, which requires consideration; and that to show his bonafides, petitioner is willing to deposit 50% of cheque amount, before the trial Court. Petitioner is now confined at Central Prison, Madurai. Hence, he prayed for granting suspension of sentence and bail to 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 heard<sup>1</sup>, this Court is inclined to grant suspension of sentence 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.453 of 2022 dated 26.06.2023, on the file of Judicial Magistrate No.I, Sivakasi, 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 and respondent is at liberty to execute the sentence imposed by the trial Court against petitioner in the manner known to law;

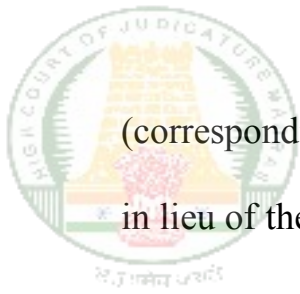
(ii) On such deposit, petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of Judicial Magistrate No.II, Sivakasi;

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 No.II, Sivakasi, 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.

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



(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.

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6. Accordingly, this Criminal Miscellaneous Petition is **ordered**.

**02-12-2025**

LR

**Note: Issue order copy on .12.2025**

To”

1. The Principal Sessions Judge, Srivilliputhu, Virudhunagar District.

2. The Judicial Magistrate No.II, Sivakasi.

3. The Additional Public Prosecutor,

Madurai Bench of Madras High Court,

Madurai.

**Copy To:**

The Superintendent, Central Prison, Madurai.