



CRL MP(MD) Nos.19401 & 19402 of 2025
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09-12-2025

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THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

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CRL MP(MD) NO. 19401 and 19402 of 2025

IN

CRL RC(MD) NO. 1549 OF 2025

1. Malik Bathusha @ Malik Badhusha
S/o.Thiva Bathusha @ Syeed Dheevan Basha

Petitioner(s)

Vs

Aravindan
S/o.Jeyaraman

Respondent(s)

For Petitioner(s):

M/s.D.Rajaboopathy

Prayer for Crl.M.P(MD)No.19401 of 2025:

To suspend the sentence of imprisonment imposed by the learned Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District in Crl.A.No.30/2020 by the Judgment dated 04.09.2025, confirming the conviction and sentence imposed by the Judicial Magistrate No.1, Sivakasi, Virudhunagar District in C.C.No.430 of 2017 by order dated 10.02.2020 and enlarge the petitioner on bail.

Prayer for Crl.M.P(MD)No.19402 of 2025:

To Exempt the petitioner from surrender in pursuant to the Judgment dated 04.09.2025 by the Learned Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District in Crl.A.No.30/2020 confirming the conviction and sentence imposed by the Judicial Magistrate No.1, Sivakasi, Virudhunagar District in C.C.No. 430 of 2017 by order dated 10.02.2020.



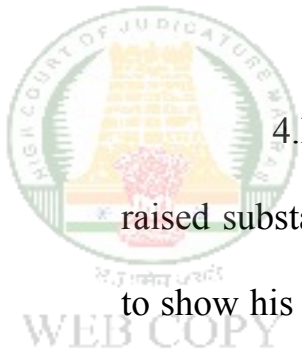
ORDER

Heard Mr.D.Rajaboopathy, learned Counsel for the petitioner.

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2.Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioner by Judicial Magistrate No.1, Sivakasi, Virudhunagar District in C.C.No.430 of 2017 dated 10.02.2020, which was confirmed by Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District in Crl.A.No.30 of 2020, dated 04.09.2025 and to exempt the petitioner from surrendering before the Court below.

3.Learned counsel for petitioner would submit that petitioner was convicted by Judicial Magistrate No.1, Sivakasi, Virudhunagar District for offence under Section 138 of the Negotiable Instruments Act in C.C.No.430 of 2017 dated 10.02.2020 and sentenced him to undergo one year Simple Imprisonment and to pay compensation of Rs.1,00,000/- to respondent within two months, in default to undergo further Simple Imprisonment for three months. Aggrieved, petitioner filed criminal appeal in Crl.A.No. 30 of 2020 before Additional District and Sessions Judge, Srivilliputhur at Virudhunagar District and the lower Appellate Court, by the judgment dated 04.09.2025 dismissed the appeal confirming the conviction and sentence passed by the trial Court. Aggrieved, petitioner filed Crl.R.C.(MD)No.1549 of 2025 before this Court along with the 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 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, and exemption from surrender and bail.

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 C.C.No.430 of 2017 dated 10.02.2020 on the file of Judicial Magistrate No.I, Sivakasi, Virudhunagar District, 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 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 No.I, Sivakasi, Virudhunagar District;

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



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.I, Sivakasi, Virudhunagar District, on the first working day of every month at 10.30 a.m., until the disposal of the revision;

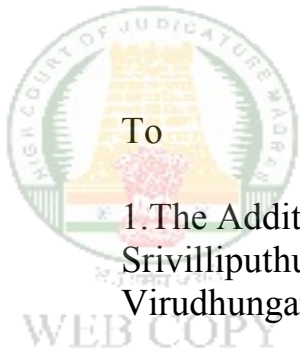
v) In case, if petitioner is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. (corresponding to 355 B.N.S.S) and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

6. Accordingly, these Criminal Miscellaneous Petitions are **ordered**.

09-12-2025
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Note: Issue order copy on 12.12.2025



To

1.The Additional District and Sessions Judge,
Srivilliputhur,
Virudhungan District.

2.The Judicial Magistrate No.I,
Sivakasi,
Virudhunagar District

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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MOHAMMED SHAFFIQ,J.

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**ORDER MADE IN
CRL MP(MD).NOS. 19401 &
19402 of 2025
IN
CRL RC(MD) NO. 1549 OF 2025**

09.12.2025

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