



CRL.M.P.(MD)No.19724 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 10.12.2025

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD) NO. 19724 of 2025

IN

CRL RC(MD) NO. 642 OF 2019

1. Sriram
S/o.V.R.Swaminathan
Proprietor
M/s.Vinayaka Impex
781Vadakkupalayam
Merku (Rasavalaivu)
Sanapiratti Village
S.Vellalapatti Post
Karur - 639 004

Petitioner(s)

Vs

1. M/s. Premier Fibre
Rep. by Managing Partner
N.Karthika
W/o. K.Nagarajan Rep. by her Power Agent
K.Nagarajan
S/o.K.M.Kuppusamy
Post Box
No.41
No.5 M.Kulandaivel Road
Behind Kavithalaya Theatre
Karur Town
Karur Taluk
Karur District.

Respondent(s)



CRL.M.P.(MD)No.19724 of 2025

For Petitioner(s):

Mr.S.Balaji
P.Rengaraju
Anand C
N.Thinakaran

For Respondent(s):

Mr.G.Aravinthan

S.R.Sathan Boopathy

Prayer: Criminal Miscellaneous petition filed under Section 389(1) of Cr.P.C and Section 430 of BNSS Act, 2023 praying this Court to suspend the sentence imposed by the Learned Additional District cum Sessions Judge, Karur District in C.A.No.15 of 2019 dated 27.04.2019 whereby confirming the conviction and sentence imposed by the Learned Judicial Magistrate Fast Track Court, Karur in C.C.No.538 of 2016, dated 22.11.2018.

ORDER

Heard Mr.S.Balaji, learned Counsel for the Revision Petitioner and Mr.G.Aravinthan, learned Counsel for the respondent.

2.Criminal Miscellaneous Petition has been filed praying to suspend the sentence imposed upon petitioner by Additional District and Sessions Judge, Karur District in C.A.No.15 of 2019, dated 27.4.2019, confirming the conviction and sentence imposed by the learned Judicial



CRL.M.P.(MD)No.19724 of 2025

Magistrate, Fast Track Court, Karur in C.C.No.538 of 2016, dated 22.11.2018.

3.Learned counsel for petitioner would submit that petitioner was convicted by the learned Judicial Magistrate, Fast Track Court, Karur for the offence under Section 138 of Negotiable Instruments Act in C.C.No538 of 2016, dated 22.11.2018 and sentenced him to undergo Simple Imprisonment for a period of one year and to pay a fine of Rs. 5,000/- in default, to undergo simple imprisonment for one month. Aggrieved, petitioner filed criminal appeal in CrI.A.No.15 of 2019 before Additional District and Sessions Judge, Karur District and the lower Appellate Court, by the judgment dated 27.04.2019 dismissed the appeal confirming the conviction and sentence passed by the trial Court. Aggrieved, petitioner filed CrI.R.C.(MD)No.642 of 2019 before this Court along with the instant miscellaneous petitions 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 the Petitioner has filed an undertaking



CRL.M.P.(MD)No.19724 of 2025

memo, dated 02.12.2025 agreeing to pay the amount in question in instalments. The learned counsel for the respondent has also agreed for the same and signed in the said undertaking affidavit. The said undertaking affidavit is placed on record. 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 heard, this Court is inclined to grant suspension of sentence¹ on the following conditions, till the disposal of the above Criminal Revision:

(i) Petitioner is directed to deposit the cheque amount as per the undertaking affidavit filed by him, dated 02.12.2025 to the credit of C.C.No.538 of 2016, on the file of Judicial Magistrate, Fast Track Court, Karur, 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;

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



CRL.M.P.(MD)No.19724 of 2025

(ii) Any amount already paid shall be deducted while making payment as per the undertaking affidavit filed by the Petitioner, dated 02.12.2025, directed in clause (i);

(iii) 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, Karur District;

iv) 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;

(v) Petitioner shall appear and sign before the Judicial Magistrate, Fast Track Court, Karur District, on the first working day of every month at 10.30 a.m., until the disposal of the revision;

(vi) 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



CRL.M.P.(MD)No.19724 of 2025

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, this Criminal Miscellaneous Petition is ordered.

10.12.2025

vsn

(2/2)

To

- 1.The Additional District and Sessions Judge, Karur.
- 2.The Judicial Magistrate, Fast Track Court, Karur..
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.

Copy To:

The Central Prison, Trichy



WEB COPY



CRL.M.P.(MD)No.19724 of 2025

MOHAMMED SHAFFIQ., J.

vsn

CRL MP(MD) NO. 19724 of 2025

IN

CRL RC(MD) NO. 642 OF 2019

10.12.2025
(1/2)