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CRL MP(MD) No. 19723 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09-01-2026

CORAM

THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD) No.19723 and 19724 of 2025

in

CRL RC(MD)Nos.863 and 642 of 2019

Sriram,
Proprietor,
M/s.Vinayaga Impex,
No.781, Vadakkupalayam, Merku (Rasavalaivu),
Sanapirattii Village, S.Vellalapatti Post,
Karur – 639 004.

Petitioner(s)

Vs

M/s.Victory Associates,
Managing partner,
N.Karthika.

Respondent(s)

For Petitioner(s):

Mr.S.Balaji

For Respondent(s):

Mr.G.Aravinthan

Prayer in Crl.M.P.(MD).No.19723 of 2025:

To suspend the sentence imposed by the Learned Additional District cum Sessions Judge, Karur District in C.A.No.16 of 2019 dated 27.04.2019 whereby confirming the conviction and sentence imposed by the Learned Judicial Magistrate Fast Track Court, Karur District in C.C.No.463 of 2017 dated 22.11.2018 pending disposal of the main criminal revision.

Prayer in CRL MP(MD).No.19724 of 2025 :

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 District in C.C.No.538 of 2016, dated 22.11.2018 pending disposal of the main criminal revision.

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ORDER

The matter is listed under the caption 'for being mentioned'.

2. This Court vide order dated 06.01.2026 had directed Judicial Magistrate, Fast Track Court, Karur to submit a detailed report on the aspect of sureties furnished by petitioner pursuant to directions of this Court in CrI.M.P.(MD). Nos.19723 and 19724 of 2025 vide orders dated 10.12.2025, wherein, suspension of sentence was granted to petitioner subject to certain conditions.

3. On perusing the report of Judicial Magistrate, it appears that the Magistrate has proceeded on a misconception of nature of directions issued by this Court in CrI.M.P.(MD).Nos.19723 and 19724 of 2025 vide orders dated 10.12.2025, more particularly, Clause (i), which reads as follows:

CrI.M.P.(MD).No.19723 of 2025:

“(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.463 of 2017, 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;”



CrI.M.P.(MD).No.19724 of 2025:

“(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;”

4. It is relevant to extract undertaking memo filed by petitioner, as stated in clause (i), which reads as under:

“Accordingly, the petitioner have to pay

a) the first installment of Rs.1,48,496/- to the respondent on or before 10th of January 2026,

b) the second installment of Rs.1,00,000/- to the respondent on or before 10th of February 2026,

c) the third installment of Rs.1,00,000/- to the respondent on or before 10th of March 2026,

d) the fourth installment of Rs.1,00,000/- to the respondent on or before 10th of April 2026, and

e) the final and fifth installment of Rs.1,00,000/- to the respondent on or before 10th of May 2026,

f) in case of any failure or default in payment of any of the installments, the settlement goes and the petitioner have to suffer conviction as per the orders under challenge.”

5. In view thereof, Clause (i) in paragraph 5 of orders dated 10.12.2025 in CrI.M.P.(MD).No.19723 of 2025 and CrI.M.P.(MD).No.19724 of 2025 are



modified as follows:

“(i)Petitioner is directed to deposit the cheque amount as per the undertaking affidavit filed by him, dated 02.12.2025, 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;”

Registry is directed to carry out the above correction in the orders dated 10.12.2025 in CrI.M.P.(MD).No.19723 of 2025 and CrI.M.P.(MD).No.19724 of 2025 and issue fresh order copies to the parties forthwith.

6. It is hereby clarified that once petitioner has paid the first installment as per undertaking affidavit, which was due on 10.01.2026, which according to learned counsel for petitioner is also complied with, the sentence imposed on petitioner shall stand suspended and it will continue to remain suspended subject to petitioner complying with the condition of further monthly installments. In view thereof, the Magistrate shall act on the sureties furnished by petitioner, if they are otherwise in order.

09-01-2026

Lm

Note: Issue order copy by 12.01.2026.



To

1. The Additional District cum Sessions Judge,
Karur District.

2. The Judicial Magistrate, Fast Track Court,
Karur District.

Copy to:

The Central Prison,
Trichy.