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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15-12-2025

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THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD) NOs. 19943 and 19945 of 2025

IN

CRL RC(MD) NO. 1604 OF 2025

G.Premkumar

Petitioner(s)
for both cases

Vs

K.Elangovan

Respondent(s)
for both cases

For Petitioner(s):

Mr.S.Saravana Kumar
for both cases

Prayer for CRL MP(MD) NO. 19943 of 2025:

To Suspend the Sentence of imprisonment and compensation imposed by the Judgment dated 18.09.2025 passed by the Learned District and Sessions Judge, Karur, Karur District in C.A.No.234 of 2023 by confirming the order dated 07.11.2023 passed in C.C.No.762 of 2017 on the file of the Judicial Magistrate, Fast Track Court @ Magistrate level, Karur District and enlarge the petitioner on bail pending the disposal of the criminal revision case.

Prayer for CRL MP(MD) NO. 19945 of 2025:

To Exempt the petitioner from surrender in pursuant to the Judgment



dated 18.09.2025 passed by the Learned District and Sessions Judge, Karur, Karur District in C.A.No.234/2023 by confirming the order dated 07.11.2023 passed in C.C.762/2017 on the file of the Judicial Magistrate, FTC @ Magistrate level, Karur District.

COMMON ORDER

Heard Mr.S.Saravana Kumar learned Counsel for the petitioner.

2.Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioner by Judicial Magistrate, FTC @ Magistrate level, Karur District in C.C.No.762 of 2017 dated 07.11.2023, which was confirmed by District and Sessions Judge, Karur, Karur District in C.A.No.234 of 2023, dated 18.09.2025 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, FTC @ Magistrate level, Karur District for offence under Section 138 of the Negotiable Instruments Act in C.C.No.762 of 2017 dated 07.11.2023 and sentenced him to undergo one year Simple Imprisonment and to pay compensation of Rs.5,00,000/-



to respondent and in default, one month simple imprisonment.

Aggrieved, petitioner filed criminal appeal in C.A.No.234 of 2023 before District and Sessions Judge, Karur, Karur District and the lower Appellate Court, by the judgment dated 18.09.2025 dismissed the appeal confirming the conviction and sentence passed by the trial Court. Aggrieved, petitioner filed CrI.R.C.(MD)No.1604 of 2025 before this Court along with the instant miscellaneous petitions seeking suspension of sentence, bail and exemption from surrender.

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.

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



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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.762 of 2017 dated 07.11.2023 on the file of Judicial Magistrate, FTC @ Magistrate level, Karur 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) Any amount already paid shall be deducted while reckoning 50% of cheque amount 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, FTC @ Magistrate level, Karur District;

iv) Petitioner and sureties shall affix their photographs and Left Thumb Impression in the bond and the above said Court may obtain

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



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a copy of their Aadhaar card or Bank pass Book to ensure their identity;

v) Petitioner shall appear and sign before Judicial Magistrate, FTC @ Magistrate level, 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 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.

15-12-2025

LR

Note: Issue order copy on 17.12.2025

To
1. The Judicial Magistrate,
Fast Track Court @ Magistrate Level,
Karur District.



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