



Crl.MP(MD)Nos.20451 and 20452 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Crl.MP(MD)Nos.20451 and 20452 of 2025

in

Crl.RC.(MD)No.1651 of 2025

N.Sheik Hussain

... Petitioner

Vs.

R.Pandian

... Respondent

Prayer in Crl.M.P(MD)No.20451 of 2025:

To suspend the sentence imposed upon the petitioner made in S.T.C.No.4 of 2023, order dated 25.03.2025 on the file of Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur and confirmed by the order dated 19.11.2025 made in Criminal Appeal No. 60 of 2025 on the file of Principal Sessions Judge, Thanjavur, pending disposal of the Criminal Revision Petition.

Prayer for Crl.M.P(MD)No.20452 of 2025:

To exempt the petitioner from surrender pursuant to the conviction and sentence imposed upon the petitioner made in S.T.C.No.4 of 2023, order dated 25.03.2025 on the file of Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur and confirmed by the order dated



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19.11.2025 made in Criminal Appeal No.60 of 2025 on the file of Principal Sessions Judge, Thanjavur, pending disposal of the main criminal revision petition.

For Petitioner : Mr.T.Vadivelan

ORDER

Heard Mr.T.Vadivelan, learned Counsel for the Revision Petitioner.

2. Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioner by Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur in S.T.C.No.4 of 2023, dated 25.03.2025, which was confirmed by Principal Sessions Judge, Thanjavur in Criminal Appeal No.60 of 2025, dated 19.11.2025, 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, Fast Track Court at Magisterial Level, Thanjavur, for offence under Section 138 of the Negotiable Instruments



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Act in S.T.C.No.4 of 2023, dated 25.03.2025 and sentenced to undergo one year Simple Imprisonment and to pay compensation of Rs.5,00,000/- [Rupees Five Lakh only] within one month to respondent, in default of payment of the said amount, to undergo further 2 months Simple Imprisonment.

3.1. Aggrieved, petitioner filed criminal appeal in Crl.A.No.60 of 2025 before Principal Sessions Judge, Thanjavur District and the lower Appellate Court, by the judgment dated 19.11.2025 dismissed the appeal confirming the conviction and sentence passed by the trial Court. Aggrieved, petitioner filed Crl.R.C.(MD)No.1651 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 and bail to the petitioner.

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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, bail 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 S.T.C.No.4 of 2023, dated 25.03.2025 on the file of Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur, 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

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



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only) with two sureties each for a like sum to the satisfaction of Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur.

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 Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur, 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.

19.12.2025

Nsr

Note: Issue Order Copy on 07.01.2026.

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To:

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- 1.The Principal Sessions Judge, Thanjavur.
- 2.The Judicial Magistrate,
Fast Track Court at Magisterial Level,
Thanjavur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.



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MOHAMMED SHAFFIQ, J.

Nsr

Order made in
Crl.MP(MD)Nos.20451 and 20452 of 2025
in
Crl.RC.(MD)No.1651 of 2025

Dated: 19.12.2025