



Crl.M.P.Nos.8829 and 8830 of 2026 in Crl.R.C.No.1114 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-05-2026

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

CRL MP NOS.8829 and 8830 of 2026

in CRL RC No.1114 of 2026

Kamalahasan

... Petitioner

Vs

Ashok Kumar

... Respondent

Prayer in Crl.M.P.No.8829 of 2026: To suspend the sentence imposed upon the petitioner by the judgment dated 27.02.2026 made in Crl.A.No.14 of 2024 on the file of the learned Additional District and Sessions Judge (FTC), Villupuram, confirming the judgment dated 29.11.2023 made in S.T.C.No.853 of 2019 on the file of the learned Judicial Magistrate Court No.I, Villupuram, pending disposal of the above criminal revision case.

Prayer in Crl.M.P.No.8830 of 2026: To exempt the petitioner from surrender pursuant to the conviction and sentence imposed upon him by the judgment dated 27.02.2026 made in Crl.A.No.14 of 2024 on the file of the learned Additional District and Sessions Judge (FTC), Villupuram, confirming the judgment dated 29.11.2023 made in S.T.C.No.853 of 2019 on the file of the learned Judicial Magistrate Court No.I, Villupuram, pending disposal of the above criminal revision case.

For Petitioner(s) : Mr. R. Parthiban

COMMON ORDER



Heard Mr. R. Parthiban, learned Counsel for petitioner.

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2. Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioner by the learned Judicial Magistrate No.I, Villupuram in S.T.C.No.853 of 2019 dated 29.11.2023, confirmed by the learned Additional District and Sessions Judge (FTC), Villupuram in Crl.A.No.14 of 2024 dated 27.02.2026 pending disposal of the above criminal revision petition and to exempt the petitioner from surrendering before the Court below.

3. Learned counsel for petitioner would submit that petitioner was convicted by learned Judicial Magistrate No.I, Villupuram for offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.853 of 2019 dated 29.11.2023 and sentenced him to undergo six months Simple Imprisonment and to pay the cheque amount of Rs.8,50,000/- as compensation to the complainant u/s. 357(3) of Cr.P.C within a period of 60 days from the date of judgment. Aggrieved, petitioner filed criminal appeal in Crl.A.No.14 of 2024 before Additional District and Sessions Judge (FTC), Villupuram and the lower Appellate Court, by the judgment dated 27.02.2026 dismissed the appeal confirming the conviction and sentence passed by the trial Court. Aggrieved, petitioner filed Crl.R.C.No.1114 of 2026 before this Court along



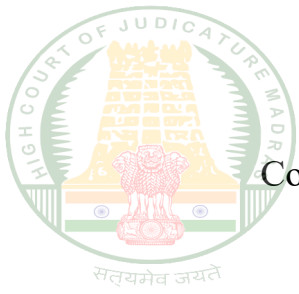
with the instant miscellaneous petitions seeking suspension of sentence and exemption from surrender.

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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 exempting the petitioner from surrendering before the Trial Court.

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 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 S.T.C.No.853 of 2019 dated 29.11.2023 on the file of Judicial Magistrate No.I, Villupuram 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;

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(ii) Any amount already paid shall be deducted while reckoning 50% of cheque amount directed in clause (i);

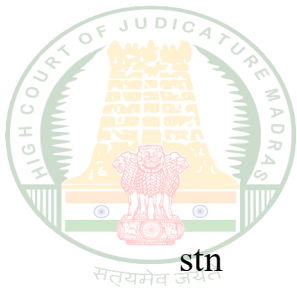
(iii) On such deposit, petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Villupuram;

(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 trial Court, 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 that 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.**



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27.05.2026

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Additional District and Sessions Judge, (FTC), Villupuram.
2. The Judicial Magistrate No.I, Villupuram.
3. The Public Prosecutor,
High Court of Madras.

MOHAMMED SHAFFIQ, J.

stn



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