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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CNR:{HCMA012181622026}

CRL MP NO. 20330 OF 2026
in
CRL RC No. 2417 of 2026

Case QR

Saroja

..Petitioner(s)

Vs

S.Praveen Kumar

..Respondent(s)

CRL RC No. 2417 of 2026

To call for the records relating to the Judgment in Crl.A.No.74 of 2023 dated 13.02.2024 on the file of the learned Sessions Judge, The Nilgiris at Udhagamndalam, Partly confirming the Judgment and sentence in STC.No.237 of 2020 dated 22.08.2023 on the file of the learned Judicial Magistrate, Udhagamandalam.

CRL MP No. 20330 of 2026

To suspend the sentence imposed by the Judgment passed in Crl.A.No.74 of 2023 dated 13.02.2024 on the file of the learned Sessions Judge, The Nilgiris at Udhagamandalam, partly confirming the Judgment and sentence in STC.No.237 of 2020 dated 22.08.2023 on the file of the learned Judicial Magistrate, Udhagamandalam, pending disposal of the above Criminal Revision Petition.

For Petitioner(s): Mr. S.Dinuprashanth

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For Respondent(s): Mr. J.Franklin

ORDER

The present petition has been filed seeking suspension of the sentence imposed upon the petitioner in S.T.C.No.237 of 2020, on the file of the learned Judicial Magistrate, Udhagamandalam, as modified by the judgment dated 13.02.2024 passed in C.A.No.74 of 2023 by the learned Sessions Judge, The Nilgiris.

2. The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881, and sentenced to undergo three months' simple imprisonment and to pay compensation of Rs.3,75,000/- under Section 357(3) Cr.P.C., with a default sentence of one month's simple imprisonment.

3. In the appeal, the learned Sessions Judge modified the sentence by setting aside the substantive sentence of imprisonment and directing the petitioner to pay the remaining compensation amount of Rs.3,00,000/-, after giving credit to the amount of Rs.75,000/- already deposited, within a period of three months. In default, the petitioner was directed to undergo six months'

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simple imprisonment.

4. The learned counsel for the petitioner submitted that the petitioner is a teacher and is facing financial difficulties. It was contended that the Courts below failed to properly appreciate the evidence regarding the alleged promissory note and the respondent's financial capacity to advance the amount. The petitioner further contended that she was not afforded an effective opportunity to cross-examine the complainant and that the presumptions under Sections 118 and 139 of the Negotiable Instruments Act are rebuttable.

5. The learned counsel also submitted that the parties had arrived at a settlement and that the offence is compoundable under Section 147 of the Negotiable Instruments Act. It was further argued that the enhancement of the default sentence from one month to six months by the Appellate Court was unwarranted.

6. The learned counsel for the petitioner submitted that the petitioner was taken into custody on 11.08.2026 pursuant to the warrant issued for execution of the default sentence and is presently in custody. Considering the circumstances, the petitioner seeks suspension of the sentence pending disposal of the Criminal Revision Case.

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7. It is further submitted that, pursuant to the orders of this Court, the petitioner has deposited a total sum of Rs.2,25,000/- before the learned Trial Court in S.T.C.No.237 of 2020, comprising the earlier deposit of Rs.75,000/- and a subsequent deposit of Rs.1,50,000/-. The respondent seeks permission to withdraw the said amount.

8. Having considered the submissions made by the learned counsel for the petitioner and the materials available on record, this Court is of the view that the Criminal Revision Case requires consideration on merits. The petitioner has also made substantial deposits towards the compensation amount. In the circumstances, this Court is inclined to suspend the sentence, subject to appropriate conditions, without expressing any opinion on the merits of the revision.

9. In *Rabi Prakash v. State of Odisha, 2023 LiveLaw (SC) 533*, the Hon'ble Supreme Court observed that the right to appeal or revision should not be rendered illusory by keeping a person in custody when the sentence is capable of being suspended, subject to appropriate conditions. The principles laid down therein may be borne in mind while considering the present request.

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10. This Court also takes note of the principles discussed in *Gian Chand Garg v. Harpal Singh*, Criminal Appeal No.3789 of 2025, decided on 11.08.2025, insofar as they are relevant to the consideration of suspension of sentence and protection of the interests of the parties pending adjudication.

11. In view of the above facts and circumstances, and without expressing any opinion on the merits of the Criminal Revision Case, this Court is inclined to allow the present petition.

12. Accordingly, pending the Criminal Revision Case, the sentence imposed upon the Revision Petitioner is suspended and she is ordered to be released on bail, subject to the following conditions:

(i) The Revision Petitioner shall execute a bond before the learned Judicial Magistrate, Udhagamandalam, along with two sureties for a sum of Rs.15,000/- each, subject to furnishing an undertaking that she will cooperate in the hearing of the present Revision.

(ii) The Revision Petitioner and the sureties shall affix their photographs and left thumb impressions in the bond. The learned Magistrate may obtain copies of their Aadhaar cards or bank passbooks to ensure their identity.

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(iii) The execution of the default sentence of six months' simple imprisonment imposed by the learned Appellate Court shall remain suspended during the pendency of the present Criminal Revision Case.

(iv) The petitioner shall appear before the learned Judicial Magistrate, Udhagamandalam, once every month, on the first working day of every month at 10.30 a.m., commencing from the month of December-2026 until further orders.

(v) On acceptance of her bail bond and sureties, the learned Trial Court shall transmit photostat copies thereof to this Court for being kept on record in the present Revision.

13. The respondent is permitted to file an appropriate application before the learned Trial Court for withdrawal of the amount of Rs.2,25,000/- deposited by the petitioner in S.T.C.No.237 of 2020, comprising the earlier deposit of Rs.75,000/- and the subsequent deposit of Rs.1,50,000/-. The respondent shall file such application within a period of three weeks from today. Upon such application being filed, the learned Trial Court is directed to release the aforesaid amount of Rs.2,25,000/- in favour of the respondent within a further period of two weeks, thereafter.

14.With the above directions, this Criminal Miscellaneous Petition is

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allowed.

15. Post the Criminal Revision Case for final hearing on 22.12.2026.

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Issue order copy on 04.11.2026
B/o
Dn

To

1. The learned Judicial Magistrate, Udhagamandalam.

2. The learned Sessions Judge, The Nilgiris.

3. The Public Prosecutor, Madras High Court.

4.The Superintendent, Special Prison for Women, Coimbatore.

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