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CRL MP(MD) No.1588 of 2026
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27-01-2026

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THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD) No.1588 of 2026

IN

CRL RC(MD) No.120 of 2026

Santhi

Petitioner(s)

Vs

K.Muthukrishnan

Respondent(s)

For Petitioner(s):

Mr.G.Aravinthan
for
M/s.Aran Legal Consultancy

Prayer for Crl.M.P(MD)No.1588/2026:

To direct the petitioner be released on bail, by suspending the sentence imposed upon the petitioner under Section 138 of NI Act, and sentencing him to undergo simple imprisonment of one year and to pay compensation of Rs.15,00,000/- in default to pay the compensation amount the petitioner has to undergo further simple imprisonment for a period of 3 months, by a judgment dated 19.01.2023 made in STC.No.428 of 2018 by the Judicial Magistrate, Fast Track Court (Magistrate Level), Nagercoil, and confirmed by the judgement dated 12.12.2025 passed in Crl.A.No.6 of 2023, on the file of the Additional District and Sessions Judge, Kanniyakumari District at Nagercoil, pending disposal of the above Criminal Revision Case.



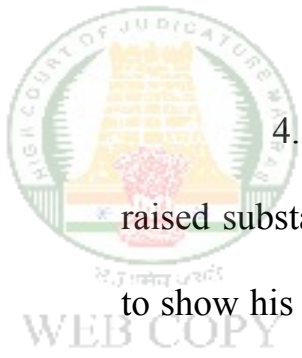
ORDER

Heard Mr.G.Aravinthan, learned Counsel for the petitioner.

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2.Criminal Miscellaneous Petition has been filed praying to suspend the sentence imposed upon petitioner by Judicial Magistrate, Fast Track Court (Magistrate Level), Nagercoil in S.T.C.No.428 of 2018 dated 19.01.2023, which was confirmed by Additional District and Sessions Judge, Kanniyakumari District at Nagercoil in CrI.A.No.6 of 2023, dated 12.12.2025.

3.Learned counsel for petitioner would submit that petitioner was convicted by Judicial Magistrate, Fast Track Court (Magistrate Level), Nagercoil for offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.428 of 2018 dated 19.01.2023 and sentenced to undergo one year Simple Imprisonment and to pay compensation of Rs.15,00,000/- to respondent within a period of six months, in default to undergo further three months simple imprisonment. Aggrieved, petitioner filed criminal appeal in CrI.A.No.6 of 2023 before Additional District and Sessions Judge (FTC), Kanniyakumari at Nagercoil and the lower Appellate Court, by the judgment dated 12.12.2025 dismissed the appeal confirming the conviction and sentence passed by the trial Court. Aggrieved, petitioner filed CrI.R.C.(MD)No.120 of 2026 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.



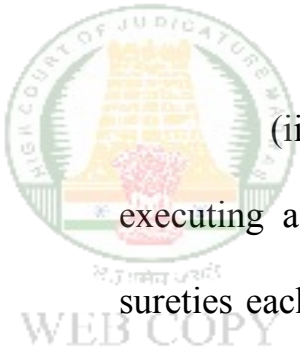
4. Learned Counsel for petitioner would further submit that petitioner has raised substantial grounds in the above revision, which requires consideration; and that to show his bonafides, petitioner is willing to deposit 50% of the cheque amount, before the trial Court. Hence, he prayed for granting suspension 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 heard¹, this Court is inclined to grant suspension of sentence and bail to the petitioner, on the following conditions, till the disposal of the above Criminal Revision case:

i) Petitioner is directed to deposit Rs.4,00,000/- to the credit of S.T.C.No.428 of 2018 dated 19.01.2023 on the file of Judicial Magistrate, Fast Track Court (Magistrate Level), Nagercoil, within a period of four weeks from the date of receipt of a copy of this order and pay 50% of cheque amount to the credit of S.T.C.No.428 of 2018 dated 19.01.2023 on the file of Judicial Magistrate, Fast Track Court (Magistrate Level), Nagercoil, within a period of six weeks thereafter, 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);

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



(iii) On such deposit, petitioner is directed to be enlarged on bail on her 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, Fast Track Court (Magistrate Level), Nagercoil;

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 (Magistrate Level), Nagercoil, on the first working day of every month at 10.30 a.m., until the disposal of the revision;

vi) In case, petitioner is not able to appear before the trial Court on any day, she 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 her absence, as directed by the trial Court.

6. Accordingly, this Criminal Miscellaneous Petition is **ordered**.

27-01-2026
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gvn



To :

1.The Judicial Magistrate, Fast Track Court (Magistrate Level),
Nagercoil

2.The Additional District and Sessions Judge,
Kanyakumari at Nagercoil.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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MOHAMMED SHAFFIQ, J

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ORDER
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Date : 27/01/2026
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