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CRL MP(MD) Nos.2028 & 2029 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-02-2026

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THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD) Nos.2028 & 2029 of 2026

IN

CRL RC(MD) No.169 of 2026

S.Manoharan

Petitioner(s)
in both petitions

Vs

M.Thirumalai Nambi

Respondent(s)
in both petitions

For Petitioner(s):

Mr.C.Susikumar

Prayer for Crl.M.P(MD)No.2028/2026:

To Suspend the sentence in Crl.A.No.25 of 2025 dated 25.11.2025 on the file of the 1st Additional District and Session Court, Tirunelveli confirming the conviction in S.T.C.No.52/2015 dated 26.02.2025 on the file of the Learned Judicial Magistrate, Nanguneri pending disposal of the Criminal Revision case.

Prayer for Crl.M.P(MD)No.2029/2026:

To pass an order of Exemption to surrender in Crl.A.No.25 of 2025 dated 25.11.2025 on the file of the 1st Additional District and Sessions Court, Tirunelveli confirming the conviction in S.T.C.No.52 of 2015 dated 26.02.2025 on the file of the Learned Judicial Magistrate, Nanguneri pending disposal of the Criminal Revision Case.



COMMON ORDER

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Heard Mr.C.Susikumar, learned Counsel for the petitioner.

2.Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioner by Judicial Magistrate Court, Nanguneri in S.T.C.No. 52 of 2015 dated 26.02.2025, which was confirmed by I Additional District and Sessions Judge, Tirunelveli in Crl.A.No.25 of 2025, dated 25.11.2025 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 Court, Nanguneri for offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.52 of 2015 dated 26.02.2025 and sentenced to undergo six months Simple Imprisonment and to pay compensation of Rs.1,75,000/- to respondent with interest of 9% per annum within a period of two months from the date of judgement, in-default, to undergo one month simple imprisonment. Aggrieved, petitioner filed criminal appeal in Crl.A.No.25 of 2025 before I Additional District and Sessions Judge, Tirunelveli and the lower Appellate Court, by the judgment dated 25.11.2025 dismissed the appeal confirming the conviction and sentence passed by the



trial Court. Aggrieved, petitioner filed Crl.R.C.(MD)No.169 of 2026 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 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.52 of 2015 dated 26.02.2025 on the file of Judicial Magistrate Court, Nanguneri, 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;

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



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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 be enlarged on bail on him 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 Court, Nanguneri;

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 Court, Nanguneri, 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, 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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To

1. The Judicial Magistrate Court, Nanguneri
2. The I Additional District and Sessions Judge,
Tirunelveli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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MOHAMMED SHAFFIQ, J.

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Crl.M.P.(MD)Nos.2028 & 2029 of 2026
in
Crl.RC(MD).No.169 of 2026

02.02.2026
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