



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2026

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Crl. M.P.(MD).Nos.2182 and 2183 of 2026

in

Crl. RC.(MD)No.195 of 2026

1.M.S.Bhavani Traders,
Rep. by its Proprietor R.Baskaran,
No.181A, Sami Nagar, Kovil Pathagai,
Aavadi, Chennai-54.

2.R.Baskaran

...Petitioners

Vs.

A.Prabhakaran

... Respondent

PRAYER in Crl.M.P.(MD)No.2182 of 2026: To suspend the sentence imposed on the petitioner by the judgment dated 18.11.2025 passed in C.A.No.69 of 2025 on the file of the Additional District Court/ Special Court under Essential Commodities Act, Thanjavur, Thanjavur District, confirming the judgment dated 02.06.2025 passed in S.T.C.No.228 of 2022 on the file of the Fast Track Court at Magisterial Level, Thanjavur, Thanjavur District and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

PRAYER in Crl.M.P.(MD)No.2183 of 2026: To exempt the petitioner to surrender before the Lower Appellant Court to take the judgment dated 18.11.2025 passed in C.A.No.69 of 2025 on the file of the Additional District Court/ Special Court under Essential Commodities Act, Thanjavur, confirming the judgment dated 02.06.2025 passed in S.T.C.No.228 of 2022 on the file of the Fast Track Court at Magisterial Level, Thanjavur, Thanjavur District.

For Petitioner(s) : Mr.N.Pragalathan



ORDER

Heard Mr.N.Pragalathan, learned counsel for the petitioners.

WEB COPY

2. Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon the second petitioner by Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur District in S.T.C.No.228 of 2022 dated 02.06.2025, which was confirmed by the Additional District Court/Special Court under Essential Commodities Act, Thanjavur, in C.A.No.69 of 2025 dated 18.11.2025 and to exempt the second petitioner from surrendering before the said Court.

3. Learned counsel for petitioners would submit that second petitioner was convicted by Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur District for offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.228 of 2022 dated 02.06.2025 and sentenced to undergo one year Simple Imprisonment and to pay compensation of Rs.6,00,000/- to respondent within one month, in default, to undergo two months simple imprisonment. Aggrieved, petitioners filed criminal appeal in C.A.No.69 of 2025 before the Additional District Court/Special Court under Essential Commodities Act, Thanjavur and the lower Appellate Court, by judgment dated 18.11.2025, dismissed the appeal confirming the conviction and sentence passed by the trial Court. Aggrieved, petitioners filed CrI.R.C.(MD)No.195 of 2026 before this



Court along with the instant miscellaneous petitions seeking suspension of sentence, bail and exemption from surrender.

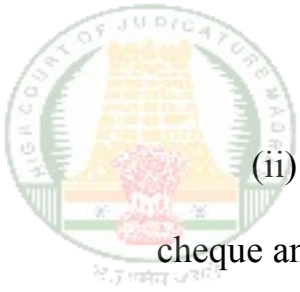
WEB COPY

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

i) Second petitioner is directed to deposit 50% of cheque amount to the credit of S.T.C.No.228 of 2022 dated 02.06.2025 on the file of Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur District, 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 second petitioner in the manner known to law;

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



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

(iii) On such deposit, second petitioner is directed to be enlarged on bail on his 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 at Magisterial Level, Thanjavur District;

iv) Second 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) Second petitioner shall appear and sign before Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur District, on the first working day of every month at 10.30 a.m., until the disposal of the revision;

vi) In case, second 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.

04.02.2026

Speaking (or) Non Speaking Order
Index : Yes/ No
Neutral Citation: Yes/No
mka/Lm



To:

1. The Fast Track Court at Magisterial Level,
Thanjavur, Thanjavur District.
2. The Additional District Court/ Special Court
under Essential Commodities Act, Thanjavur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



MOHAMMED SHAFFIQ, J.

mka/Lm

Crl. M.P.(MD).Nos.2182 and 2183 of 2026

04.02.2026

(2/2)