



CRL MP(MD) NOs. 2009 and 2010 of 2026
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30-01-2026

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THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD) Nos.2009 and 2010 of 2026

in

CRL RC(MD) No.166 of 2026

Santhanapeeroli

Petitioner(s)
in both petitions

Vs

S.P.Varatharaj

Respondent(s)
in both petitions

For Petitioner(s):

Mr.P.Sivachandran

Prayer for Crl.M.P(MD)No.2009/2026:

To suspend the sentence imposed upon him in STC No.112 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court (M.L) at Theni, Theni District dated 09.12.2020, which had been confirmed in Crl.A.No.7 of 2021 on the file of the learned Additional District Judge, Additional District (FTC) Court, Theni by judgment dated 10.09.2024 pending disposal of the main criminal revision petition.

Prayer for Crl.M.P(MD)No.2010/2026:

To exempt the petitioner from surrender pursuant to the conviction and sentence imposed upon him in STC No.112 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court (M.L) at Theni, Theni District dated 09.12.2020, which had been confirmed in Crl.A.No.7 of 2021 on the file of the learned Additional District Judge, Additional District (FTC) Court, Theni by judgment dated 10.09.2024 pending disposal of the main criminal revision petition.

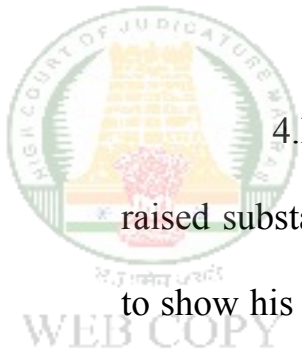


COMMON ORDER

Heard Mr.P.Sivachandran, learned Counsel for petitioner.

2.Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioner by Judicial Magistrate, Fast Track Court (M.L) at Theni, Theni District in STC No.112 of 2019 dated 09.12.2020, which was confirmed by Additional District Judge, Additional District (FTC) Court, Theni in CrI.A.No.7 of 2021, dated 10.09.2024 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, Fast Track Court (M.L) at Theni, Theni District for offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.112 of 2019 dated 09.12.2020 and sentenced him to undergo six months Simple Imprisonment and to pay compensation of Rs.3,00,000/- to respondent within a period of one month with interest at the rate of 9% per annum, in default to undergo one month Simple Imprisonment. Aggrieved, petitioner filed criminal appeal in CrI.A.No.7 of 2021 before learned Additional District Judge, Additional District (FTC) Court, Theni and the lower Appellate Court, by the judgment dated 10.09.2024 dismissed the appeal confirming the conviction and sentence passed by the trial Court. Aggrieved, petitioner filed CrI.R.C.(MD)No.166 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 and bail 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 STC No.112 of 2019 dated 09.12.2020 on the file of Judicial Magistrate, Fast Track Court (M.L) at Theni, Theni 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 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);

(iii) On such deposit, 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

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



sureties each for a like sum to the satisfaction of Judicial Magistrate, Fast Track Court (M.L) at Theni, Theni District;

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 (M.L) at Theni, Theni District, 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 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**.

30-01-2026

rgm



1.The Judicial Magistrate, Fast Track Court (M.L) at Theni, Theni District

2.The Additional District Judge, Additional District (FTC) Court, Theni

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