



CRL MP(MD) Nos.4279 and 4281 of 2026
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25-02-2026

CORAM

THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD) NOs. 4279 and 4281 of 2026

in

CRL RC(MD) NO.341 of 2026

1. Siva Handlooms,
Represented by Authorised Signatory/
Proprietor P.Sivasamy.

2. P.Sivasamy

Petitioner(s)
in both petitions

Vs

P.Babu

Respondent(s)
in both petitions

For Petitioner(s):

Mr.K.Suresh

Prayer for Crl.M.P(MD)No.4279 of 2026:

To Suspend the operation of the sentence imposed upon me by the I Additional District and Sessions Judge (PCR), Thanjavur in Criminal Appeal No.19 of 2024 dated 15.09.2025 by confirming the conviction and sentence imposed by the Judicial Magistrate (Fast Track), Thanjavur in S.T.C.No.45 of 2022 dated 02.12.2023 pending disposal of the above criminal revision case.

Prayer for Crl.M.P(MD)No.4281 of 2026:

To grant an order of exemption from surrendering before the I Additional District and Sessions Judge (PCR), Thanjavur in Criminal Appeal No.19 of 2024 dated 15.09.2025 by confirming the conviction and sentence imposed by the Judicial



Magistrate (Fast Track), Thanjavur in S.T.C.No.45 of 2022 dated 02.12.2023 pending disposal of the above criminal revision case.

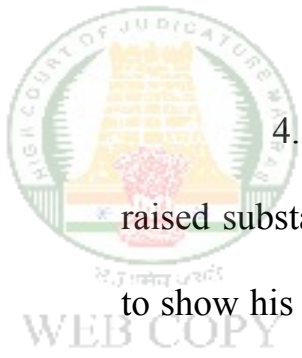
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COMMON ORDER

Heard Mr.K.Suresh, learned Counsel for petitioner.

2. Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioner by Judicial Magistrate (Fast Track), Thanjavur in S.T.C.No.45 of 2022 dated 02.12.2023, which was confirmed by I Additional District and Sessions Judge (PCR), Thanjavur in CrI.A.No.19 of 2024 dated 15.09.2025 and to exempt petitioner from surrendering before the Court below.

3. Learned counsel for petitioner would submit that petitioner was convicted by Judicial Magistrate (Fast Track), Thanjavur for offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.45 of 2022 dated 02.12.2023 and sentenced to undergo one year Simple Imprisonment and to pay compensation of Rs.6,00,000/- to respondent within a period of one month, in default to undergo two months Simple Imprisonment. Aggrieved, petitioner filed criminal appeal in C.A.No.19 of 2024 before I Additional District and Sessions Judge (PCR), Thanjavur and Lower Appellate Court by judgment dated 15.09.2025 dismissed the appeal confirming the conviction and sentence passed by the trial Court. Aggrieved, petitioner filed CrI.R.C.(MD)No.341 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 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.45 of 2022 dated 02.12.2023 on the file of Judicial Magistrate (Fast Track), Thanjavur, 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 sureties each for a like sum to the satisfaction of Judicial Magistrate (Fast Track), Thanjavur;

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



iv) Petitioner and sureties shall affix their photographs and Left 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), Thanjavur, 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 said 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 said Court on any other day in lieu of the date of his absence, as directed by the said Court.

6. Accordingly, these Criminal Miscellaneous Petitions are **ordered**.

25-02-2026
(1/2)

rgm



To

1.The Judicial Magistrate (Fast Track), Thanjavur

2.The I Additional District and Sessions Judge (PCR), Thanjavur

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