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CRL MP(MD) No.4126 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24-02-2026

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THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD) No.4126 of 2026

IN

CRL RC(MD) No.336 of 2026

Mohamed Yusuf

Petitioner(s)

Vs

Mohamed Basher

Respondent(s)

For Petitioner(s):

Mr.J.Senthil Kumaraiah

Prayer for Crl.M.P(MD)No.4126/2026:

To Suspend the Sentence imposed in the Judgment dated 03.02.2026 made in Crl.A.No.12 of 2024 on the file of Learned Principal District and Sessions Judge, Tenkasi by confirming the conviction imposed in the Judgment dated 02.02.2024 made in S.T.C.No.723 of 2023 on the file of the learned District Munsif cum Judicial Magistrate Shencottah and enlarge the petitioner on bail pending disposal of the main revision case.

ORDER

Heard Mr.J.Senthil Kumaraiah, 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 District Munsif cum Judicial Magistrate, Shencottah in S.T.C.No.723 of 2023 dated 02.02.2024, which was confirmed by Principal District and Sessions Judge, Tenkasi in Crl.A.No.12 of 2024, dated 03.02.2026.

3.Learned Counsel for petitioner would submit that petitioner was convicted by District Munsif cum Judicial Magistrate, Shencottah for offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.723 of 2023 dated 02.02.2024 and sentenced to undergo one year Simple Imprisonment and to pay compensation of Rs.5,00,000/- to respondent within a period of one month, in-default, to undergo six months simple imprisonment. Aggrieved, petitioner filed criminal appeal in Crl.A.No.12 of 2024 before Principal District and Sessions Judge, Tenkasi and the lower Appellate Court, by the judgment dated 03.02.2026 dismissed the appeal by confirming the conviction and sentence passed by the trial Court. Aggrieved, petitioner filed Crl.R.C. (MD)No.336 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, 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.723 of 2023 dated 02.02.2024 on the file of District Munsif cum Judicial Magistrate Court, Shencottah, 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);

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



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(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 District Munsif cum Judicial Magistrate Court, Shencottah;

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 District Munsif cum Judicial Magistrate Court, Shencottah, 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, this Criminal Miscellaneous Petition is **ordered**.

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To :-

1. The Principal District and Sessions Judge,
Tenkasi.
2. The District Munsif cum Judicial Magistrate Court,
Shencottah.



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MOHAMMED SHAFFIQ, J.

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in
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