



Crl.M.P.(MD)No.6419 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **20.04.2026**

CORAM

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.6419 of 2026

in

CRL RC(MD) No.539 of 2026

K.Mohanraj

... Petitioner

Vs.

N.Nagulsamy

... Respondent

PRAYER: This Criminal Miscellaneous Petition is filed under Section 438(1) of BNSS to suspend the sentence passed against the petitioner in Criminal Appeal No.174 of 2023 dated 09.10.2025 on the file of the District and Sessions Judge, Karur, confirming the order dated 30.08.2023 passed by the learned Judicial Magistrate (Fast Track), Karur, in CC No.652 of 2018 convicting the petitioner for an offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo 2 years simple imprisonment and awarded compensation of RS.2,00,000/- (Rupees Two Lakhs) in favour of the respondent under Section 357(3) of Cr.P.C., pending disposal of the above criminal revision petition on the file of this Court.

For Petitioner : Mr.V.Nagarajan

For Respondent : Mr.B.Vinoth Kumar



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence passed against the petitioner in Criminal Appeal No.174 of 2023 dated 09.10.2025 on the file of the District and Sessions Judge, Karur, confirming the order dated 30.08.2023 passed by the learned Judicial Magistrate (Fast Track), Karur, in CC No.652 of 2018 pending disposal of the above criminal revision.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 30.08.2023 for the offence under Section 138 of the Negotiable Instruments Act, 1881, and the trial Court sentenced him to undergo simple imprisonment for one year and to pay the compensation amount of Rs.2,00,000/- (Rupees Two Lakhs only), in default, to undergo simple imprisonment for a period of one month, in CC No.652 of 2018 on the file of the learned Judicial Magistrate (Fast Track), Karur.

3. The learned District and Sessions Judge, Karur, confirmed the conviction and sentence, and dismissed Criminal Appeal No.174 of 2023 dated 09.10.2025. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.



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4. The learned counsel for the petitioner submitted that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses.

5. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case, and also there are certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further, the criminal revision is not likely to be taken up for final hearing in the near future and as such, and also considering the bonafide expressed by the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :



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(i) The petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate (Fast Track), Karur;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the learned trial Court, on all working days at 10.30 a.m., until further orders.

(iv) The learned trial Court shall re-deposit the said sum in a Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in CrI.R.C.(MD)No. 539 of 2026.

8. Mr.B.Vinoth Kumar, learned counsel takes notice for the respondent.

9. List the matter on **10.06.2026**.

20.04.2026

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To:-

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- 1.The District and Sessions Judge, Karur.
- 2.The Judicial Magistrate (Fast Track), Karur,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

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