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CRL MP(MD) Nos.4463 & 4464 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26-02-2026

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD) Nos.4463 & 4464 of 2026

IN

CRL RC(MD) No.367 of 2026

Nanthakumar

Petitioner(s)
in both petitions

Vs

Balakrishnan

Respondent(s)
in both petitions

For Petitioner(s):

Mr.S.Saravana Kumar

Prayer for Crl.M.P(MD)No.4463/2026:

To Suspend the Sentence of Imprisonment and compensation imposed by the Judgment dated 05.02.2026 passed by the Principal Sessions Judge, Theni, Theni District in Crl.A.No.97/2025 by confirming the judgment dated 03.06.2025 passed in C.C.No.65 of 2022 on the file of the Judicial Magistrate Court, Andipatti, Theni District and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

Prayer for Crl.M.P(MD)No.4464/2026:

To Exempt the petitioner from surrender in pursuant to the Judgment dated 05.02.2026 passed by the Principal Sessions Judge, Theni, Theni District in Crl.A No. 97/2025 by confirming the judgment dated 03.06.2025 passed in CC No.65/2022 on the file of the Judicial Magistrate Court, Andipatti, Theni District.



COMMON ORDER

Heard Mr.S.Saravana Kumar, learned Counsel for the petitioner.

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2.Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioner by Judicial Magistrate Court, Andipatti, Theni District in C.C.No.65 of 2022 dated 03.06.2025, which was confirmed by Principal Sessions Judge, Theni in Crl.A.No.97 of 2025, dated 05.02.2026 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 Court, Andipatti, Theni District for offence under Section 138 of the Negotiable Instruments Act in C.C.No.65 of 2022 dated 03.06.2025 and sentenced to undergo twelve months Simple Imprisonment and to pay compensation of Rs.25,00,000/- to respondent within two months, in-default, to undergo three months simple imprisonment. Aggrieved, petitioner filed criminal appeal in Crl.A.No.97 of 2025 before Principal Sessions Judge, Theni and the lower Appellate Court, by the judgment dated 05.02.2026 dismissed the appeal confirming the conviction and sentence passed by the trial Court. Aggrieved, petitioner filed Crl.R.C.(MD)No.367 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 cheque amount in two installments, before the trial Court. Hence, he prayed for granting suspension of sentence.

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 C.C.No.65 of 2022 dated 03.06.2025 on the file of Judicial Magistrate, Andipatti, Theni District, of which 50% shall be paid within a period of four weeks from the date of receipt of a copy of this order and to deposit another 50% of cheque amount to the credit of C.C.No.65 of 2022 dated 03.06.2025 on the file of Judicial Magistrate, Andipatti, Theni District, within a period of two weeks thereafter, 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;

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, 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 Court, Andipatti;

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 Court, Andipatti, 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 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**.

26-02-2026

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CRL MP(MD) Nos.4463 & 4464 of 2020

To

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1.The Principal Sessions Judge, Theni.

2.The Judicial Magistrate, Andipatti,
Theni District.



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CRL MP(MD) Nos.4463 & 4464 of 2020

MOHAMMED SHAFFIQ, J.

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in
CrI.RC(MD).No.367 of 2026

26.02.2026