



Crl.M.P.(MD)No.6155 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **23.03.2026**

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THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.6155 of 2026

in

CRL RC(MD) No.509 of 2026

1.Nellai Department Stores,
Through its Partners, (P.Mariraj).
2.P.Mariraj
3.P.Jeyaraj
4.P.Subramanian

... Petitioners

Vs.

M.Ramesh

... Respondent

PRAYER: This Criminal Miscellaneous Petition is filed under Section 438(1) of BNSS to suspend the sentence imposed in Crl.A.No.133 of 2024 dated 25.09.2025 on the file of the VI Additional District and Sessions Judge, Madurai confirming the conviction and sentence imposed in STC No.227 of 2022, dated 05.06.2024 passed by the learned Judicial Magistrate No.I, FTC at Magisterial Level, Madurai and enlarge the petitioners on bail.

For Petitioners : Mr.P.Suresh



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in STC No.227 of 2022, dated 05.06.2024 passed by the learned Judicial Magistrate No.I, FTC at Magisterial Level, Madurai, confirmed in Crl.A.No.133 of 2024 dated 25.09.2025 on the file of the VI Additional District and Sessions Judge, Madurai.

2. The learned counsel appearing for the petitioners submitted that the petitioners 2 to 4 have been convicted by the trial Court on 05.06.2024 for the offence under Section 138 of the Negotiable Instruments Act, 1881, and the trial Court sentenced them to undergo simple imprisonment for one year and to pay the cheque amount of Rs.20,00,000/- (Rupees Twenty Lakhs only) jointly to the complainant, in default, to undergo a further simple imprisonment for a period of three months, in STC No.227 of 2022 on the file of the learned Judicial Magistrate No.I, FTC at Magisterial Level, Madurai.

3. The learned VI Additional District and Sessions Judge, Madurai, confirmed the conviction and sentence, and dismissed Crl.A.No.133 of 2024 dated 25.09.2025. 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 petitioners 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 petitioners 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 petitioners, this Court is of the considered view that the petitioners herein are 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 :

(i) The petitioners 2 to 4 shall execute bonds for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each



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with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, FTC at Magisterial Level, Madurai;

(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 petitioners 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. 509 of 2026.

8. Notice to the respondent, through Court as well as privately, returnable in four weeks.

9. List the matter after four weeks.

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To:-

- 1.The VI Additional District and Sessions Judge, Madurai.
- 2.The Judicial Magistrate No.I, FTC at Magisterial Level, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

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