



Crl.M.P.(MD)No.9328 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.04.2026

CORAM

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.9328 of 2026

in

CRL RC(MD) No.784 of 2026

Vairamuthu

... Petitioner/Petitioner

Vs.

Mathanraj

... Respondent/Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section 438 of BNSS to suspend the sentence of imprisonment imposed in Judgment dated 03.09.2025 made in Crl.A.No.28 of 2023 on the file of the Learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur by confirming the conviction made in S.T.C.No.26 of 2022 on the file of the Judicial Magistrate No.I Court, Sivakasi dated 09.02.2023 and enlarge the petitioner on bail., pending disposal of the above said criminal revision petition.

For Petitioner : Mr.S.M.Anantha Murugan

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed in Judgment dated 03.09.2025 made in Crl.A.No.28 of 2023 on the file of the Learned Principal District and Sessions



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Judge, Virudhunagar District at Srivilliputhur by confirming the conviction made in S.T.C.No.26 of 2022 on the file of the Judicial Magistrate No.I Court, Sivakasi dated 09.02.2023 and enlarge the petitioner on bail., pending disposal of the above said criminal revision petition.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 09.02.2023 for the offence under Section 138 r/w 142 of the Negotiable Instrument Act, 1881, and the trial Court sentenced him to undergo simple imprisonment for a period of one year and to pay a cheque amount of Rs.2,50,000/- (Rupees Two Lakh and Fifty Thousand only) as compensation to the respondent within a period of two months, in default, to undergo simple imprisonment for a further period of two months, in S.T.C.No.26 of 2022 on the file of the learned Judicial Magistrate No.I Court, Sivakasi .

3. The learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, confirmed the conviction and sentence, and dismissed the C.A.No.28 of 2023, dated 03.09.2025. 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 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. Further, he submitted that the petitioner has already deposited 20% of the compensation amount before the learned trial Court.

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



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imprisonment alone is suspended pending disposal of the revision with the following directions :

(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 No.I Court, Sivakasi;

(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.

8. Notice.

29.04.2026

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To

- 1.The District and Sessions Judge, Karur.
- 2.The Judicial Magistrate No.I Court, Sivakasi.
- 3.Do through the Chief Judicial Magistrate,
Virudhunagar District.

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