



Crl.M.P.(MD)No.8899 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **27.04.2026**

CORAM

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.8899 of 2026

in

CRL RC(MD) No.746 of 2026

Chithra

... Petitioner

Vs.

R.Kesavan

... Respondent

PRAYER: This Criminal Miscellaneous Petition is filed under Section 438(1) of BNSS to suspend the sentence of imprisonment imposed in Crl.A.No.103 of 2022 dated 02.08.2025 on the file of the Principal District and Sessions Judge, Virudhunagar District @ Srivilliputur, by which confirming the judgment and conviction order in CC No.121 of 2017 on the file of the learned Judicial Magistrate No.II, Sattur, Virudhunagar District, dated 05.08.2022 and acquit the petitioner/accused.

For Petitioner : Mr.S.Deenadhayalan



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed against the petitioner in Crl.A.No.103 of 2022 dated 02.08.2025 on the file of the Principal District and Sessions Judge, Virudhunagar District @ Srivilliputur, confirming the order dated 05.08.2022 passed by the learned Judicial Magistrate No.II, Sattur, Virudhunagar District, in CC No.121 of 2017 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 05.08.2022 for the offence under Section 138 of the Negotiable Instruments Act, 1881, and the trial Court sentenced him to undergo simple imprisonment for six months and to pay the compensation amount of Rs.6,80,000/- (Rupees Six Lakhs and Eighty Thousand only), in default, to undergo simple imprisonment for a period of one month, in CC No.121 of 2017 on the file of the learned Judicial Magistrate No.II, Sattur, Virudhunagar District.



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3. The learned Principal District and Sessions Judge, Virudhunagar District @ Srivilliputur, confirmed the conviction and sentence, and dismissed Crl.A.No.103 of 2022 dated 02.08.2025. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.

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



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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 :

(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.II, Sattur, Virudhunagar District;

(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 Crl.R.C.(MD)No. 746 of 2026.



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

9. List the matter after four weeks.

27.04.2026

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Note: Issue order copy on 29.04.2026.

To:-

- 1.The Principal District and Sessions Judge,
Virudhunagar District @ Srivilliputtur.
- 2.The Judicial Magistrate No.II, Sattur, Virudhunagar District,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

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