



Crl.M.P.(MD)No.9538 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.05.2026

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

CRL MP(MD) NO. 9538 of 2026

IN

CRL RC(MD) NO. 811 of 2026

M.Muthumani

... Petitioner

Vs.

S.Vanaraja

... Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section 377(1) of Cr.P.C., (U/s. 438(i) of BNSS) to suspend the sentence of imprisonment imposed by the learned Additional District Judge (FTC), Theni, in Crl.A.No.4 of 2024 judgment dated 28.11.2024 confirming the conviction and sentence imposed by the learned Judicial Magistrate (FTC), Uthamapalayam, in S.T.C.No.53 of 2022 dated 24.11.2023 and enlarge the petitioner on bail, pending disposal of the criminal revision petition.

For Petitioner : Mr.K.Kaviarasan

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the



Crl.M.P.(MD)No.9538 of 2026

sentence of imprisonment imposed by the learned Additional District Judge (FTC), Theni, in Crl.A.No.4 of 2024 judgment dated 28.11.2024 confirming the conviction and sentence imposed by the learned Judicial Magistrate (FTC), Uthamapalayam, in S.T.C.No.53 of 2022 dated 24.11.2023 and enlarge the petitioner on bail, pending disposal of the criminal revision petition.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 05.03.2026, and the trial Court sentenced him to undergo simple imprisonment for a period of six months, for the offence under Section 138 of the Negotiable Instruments Act, and to pay a sum of Rs.3,00,000/- as compensation to the respondent herein for the offence under Section 357(3) of Cr.P.C. in S.T.C.No.53 of 2022 dated 24.11.2023 on the file of the learned Judicial Magistrate (FTC), Uthamapalayam.

3. The learned Additional District Judge (FTC), Theni, confirmed the conviction, and confirmed the sentence and dismissed the Crl.A.No.4 of 2024 dated 28.11.2024. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.



Crl.M.P.(MD)No.9538 of 2026

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. He would further submit that this Court, on 30.04.2026, ordered to deposit 20% of the cheque amount before the Trial Court and the same was complied with.

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

7. 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 fact that the petitioner has good chance of succeeding in the revision petition, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.



Crl.M.P.(MD)No.9538 of 2026

8. 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 (FTC), Uthamapalayam;

(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 Judicial Magistrate (FTC), Uthamapalayam, on all working days at 10.30 a.m., until further orders.

07.05.2026
(2/2)

apd

To

1. The Judicial Magistrate (FTC),
Uthamapalayam.

2. The Superintendent of Police,
Special Prison for Women, Madurai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.M.P.(MD)No.9538 of 2026

S.SRIMATHY, J.,

apd

Crl. MP(MD)No.9538 of 2026
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