



Crl.M.P.(MD)No.6374 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.04.2026

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THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.6374 of 2026

in

CRL RC(MD) No.524 of 2026

P.Prabakaran

... Petitioner/Revision Petitioner

Vs.

S.Saravanan

... Respondent/Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section 438 of BNSS to suspend the operation of the sentence imposed upon the revision petitioner by the District and Sessions Judge, Karur in Criminal Appeal No. 223 of 2023 dated 22.01.2026 confirming the conviction and sentence imposed upon the revision petitioner by the Judicial Magistrate (Fast Track), Karur in C.C.No.455 of 2018, dated 19.09.2023 pending disposal of the above criminal revision.

For Petitioner : Mr.K.Suresh

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the operation of the sentence imposed upon the revision petitioner by the District and Sessions Judge, Karur in Criminal Appeal No. 223 of 2023 dated



Crl.M.P.(MD)No.6374 of 2026

22.01.2026 confirming the conviction and sentence imposed upon the revision petitioner by the Judicial Magistrate (Fast Track), Karur in C.C.No.455 of 2018, dated 19.09.2023 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 19.09.2023 for the offence under Section 138 r/w 142 of the Negotiable Instrument Act, 1881, and the trial Court sentenced her to undergo simple imprisonment for one year and to pay a cheque amount of Rs.2,60,000/- (Rupees Two Lakhs and Sixty Thousand only) as compensation to the respondent within a period of one month, in default, to undergo simple imprisonment for a period of one month, in C.C.No.455 of 2018 on the file of the learned Judicial Magistrate (Fast Track), Karur.

3. The learned District and Sessions Judge, Karur, confirmed the conviction and sentence, and dismissed C.A.No.223 of 2023, dated 22.01.2026. 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.6374 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. Further, he submitted that the petitioner has already deposited 40% of the cheque amount.

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



Crl.M.P.(MD)No.6374 of 2026

(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 (Fast Track), Karur;

(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 Judicial Magistrate (Fast Track), Karur, 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.524 of 2026.

8. Notice.

01.04.2026

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To

1.The District and Sessions Judge, Karur.

2.The Judicial Magistrate (Fast Track), Karur.

4/6



Crl.M.P.(MD)No.6374 of 2026

3.Do through the Chief Judicial Magistrate,
Karur District.

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Crl.M.P.(MD)No.6374 of 2026

L.VICTORIA GOWRI, J.,

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Crl. MP(MD)No.6374 of 2026
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01.04.2026