



Crl.M.P.(MD)No.6687 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.03.2026

CORAM

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.6687 of 2026

in

CRL RC(MD) No.561 of 2026

K.Sivakumar

... Petitioner

Vs.

Umayaal Enterprises,
rep., by its Managing Partner,
R.Prabakaran

... Respondent

PRAYER: This Criminal Miscellaneous Petition is filed under Section 438(1) of BNSS to suspend the sentence imposed by the judgment dated 02.03.2026 made in C.A.No.29 of 2024 on the file of the learned District and Sessions Judge, Karur, confirming the judgment dated 31.01.2024 made in S.T.C.No.476 of 2021 on the file of the learned Judicial Magistrate, Fast Track Court @ Magistrate Level, Karur pending disposal of the above Crl.R.C.

For Petitioner : Mr.K.Althaf Sheriff
for M/s.Ajmal Associates

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed vide judgment dated 02.03.2026 made in C.A.No.29 of 2024



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on the file of the learned District and Sessions Judge, Karur, confirming the judgment dated 31.01.2024 made in S.T.C.No.476 of 2021 on the file of the learned Judicial Magistrate, Fast Track Court @ Magistrate Level, Karur , pending disposal of this criminal revision petition.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 02.03.2026 for the offence under Section 138 of the Negotiable Instruments Act, 1881, and the trial Court sentenced him to undergo simple imprisonment for one year and to pay the compensation of Rs.11,00,000/- (Rupees Eleven Lakhs only) to the defacto complainant within one month, in default, to undergo a further simple imprisonment for a period of one month, in STC.No.476 of 2021 on the file of the learned Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur.

3. The learned District and Sessions Judge, Karur, confirmed the conviction and sentence, and dismissed Crl.A.No.29 of 2024 dated 02.03.2026. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.



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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 25% of the compensation 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 imprisonment alone is suspended pending disposal of the revision with the following directions :



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(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 Court @ Magistrate Level, 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 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. 475 of 2026.

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

9. List the matter after four weeks.

27.03.2026

Rmk

(12/12)



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To:-

- 1.The Judicial Magistrate, Fast Track Court @ Magistrate Level, Karur.
- 2.The District and Sessions Judge, Karur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

Rmk

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