



Crl.M.P.(MD)No.9338 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.9338 of 2026

in

CRL RC(MD) No.786 of 2026

1.Sobiya Papers Private Limited,
Through One of its Managing Director,
A.Amutha Grace.

2.A.Amutha Grace

3.Athiappan

4.Selvakumar

... Petitioner/Petitioner

Vs.

A.Kartheeswaran

... Respondent/Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section 438 of BNSS to suspend the sentence of imprisonment imposed in Judgment dated 30.03.2026 made in Crl A No.54 of 2020 on the file of the learned Additional District and Sessions Judge, Srivilliputhur by confirming the conviction made in C.C.No.880 of 2019 on the file of the learned Fast Track Judicial Magistrate, Srivilliputhur, dated 09.10.2020 and enlarge the petitioner on bail, pending disposal of the above said criminal revision petition.

For Petitioners : Mr.S.M.Anantha Murugan



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed in Judgment dated 30.03.2026 made in Crl A No.54 of 2020 on the file of the learned Additional District and Sessions Judge, Srivilliputhur by confirming the conviction made in C.C.No.880 of 2019 on the file of the learned Fast Track Judicial Magistrate, Srivilliputhur, dated 09.10.2020 and enlarge the petitioners on bail, pending disposal of the above said criminal revision petition.

2. The learned counsel appearing for the petitioners submitted that the petitioner have been convicted by the trial Court on 09.10.2020 for the offence under Section 138 r/w 142 of the Negotiable Instrument Act, 1881, and the trial Court sentenced them to undergo simple imprisonment for a period of two years each and to pay a cheque amount of Rs.27,00,000/- (Rupees Twenty Seven Lakhs only) as compensation to the respondent within a period of two months, in default, to undergo simple imprisonment for a period of further three months, in C.C.No.880 of 2019 on the file of the learned Fast Track Judicial Magistrate, Srivilliputhur.

3. The learned Additional District and Sessions Judge, Srivilliputhur,



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confirmed the conviction and sentence, and dismissed the C.A.No.54 of 2020, dated 30.03.2026. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.

4. The learned counsel for the petitioners 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 petitioners have already paid a sum of Rs.3,00,000/- before the 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 petitioners 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 petitioners, this Court is of the



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considered view that the petitioners herein are 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 Fast Track Judicial Magistrate, Srivilliputhur;

(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 petitioners shall appear before the learned trial Court, on all working days at 10.30 a.m., until further orders.

9. Notice.

29.04.2026

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To

- 1.The Additional District and Sessions Judge,
Srivilliputhur.
- 2.The Fast Track Judicial Magistrate,
Srivilliputhur.
- 3.Do through the Chief Judicial Magistrate,
Virudhunagar District.



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L.VICTORIA GOWRI, J.,

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