



Crl.M.P.(MD)No.10364 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 08.06.2026

CORAM

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.10364 of 2026

in

CRL RC(MD) No.896 of 2026

Sathishkumar

... Petitioner/Petitioner

Vs.

Harish Paper Company,
Door No.41, 1st Floor,
Mahal Street, Madurai,
Presently at East Tower Entrance,
Nagarathar Trust,
Pillaiyarpatti,
Tiruppathur Taluk,
Sivaganga District,
Through its Managing Partner Subramanian.

... Respondent/Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section 438 of BNSS to suspend the sentence passed in Judgement of Conviction and sentence dated 27.03.2026 in Criminal Appeal No.75 of 2019 on the file Learned Principal District and Sessions Judge, Sivaganga confirming the same by Judgment of Conviction and sentence dated 18.09.2019 in C.C.No.252 of 2018 on the file of learned Judicial Magistrate, Fast Track Court, Karaikudi convicting the petitioner/accused for offences under Section 138 of N.I.Act, and sentencing them to undergo 12 months simple imprisonment and also to pay compensation amount of Rs.5,50,000/- in default to undergo a further 3



months simple imprisonment pending disposal of the above criminal revision petition.

For Petitioner : Mr.R.Sundar Srinivasan

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in Judgement of Conviction and sentence dated 27.03.2026 in Criminal Appeal No.75 of 2019 on the file Learned Principal District and Sessions Judge, Sivaganga confirming the same by Judgment of Conviction and sentence dated 18.09.2019 in C.C.No.252 of 2018 on the file of learned Judicial Magistrate, Fast Track Court, Karaikudi convicting the petitioner/accused for offences under Section 138 of N.I.Act, and sentencing them to undergo 12 months simple imprisonment and also to pay compensation amount of Rs. 5,50,000/- in default to undergo a further 3 months simple imprisonment pending disposal of the above criminal revision petition.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 18.09.2019 for the offence under Section 138 r/w 142 of the Negotiable Instrument Act, 1881, and the trial Court sentenced him to undergo simple imprisonment for a period of twelve months and to pay a sum of Rs.5,50,000/- (Rupees Five Lakhs and Fifty



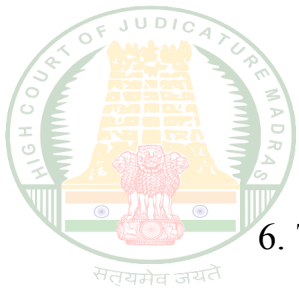
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Thousand only) as compensation to the respondent within a period of thirty days, in default, to undergo simple imprisonment for a period of further three months, in C.C.No.252 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court, Karaikudi.

3. The learned Principal District and Sessions Judge, Sivagangai, confirmed the conviction and sentence, and dismissed the C.A.No.75 of 2019, dated 27.03.2026. 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 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 paid 25% 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.



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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 :

(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, Karaikudi;

(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.



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To

- 1.The Principal District and Sessions Judge,
Sivagangai.
- 2.The Judicial Magistrate,
Fast Track Court, Karaikudi.
- 3.Do through the Chief Judicial Magistrate,
Virudhunagar District.



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L.VICTORIA GOWRI, J.,

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