



CRL MP(MD). No.9601 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18/06/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL MP(MD). No.9601 of 2026
in
CRL RC(MD). No.818 of 2026

Kumaraprabhu

... Petitioner

Vs

Niaz Ahmed

... Respondent

PRAYER :-

To Suspend the conviction and sentence imposed in C.A.,No.138 of 2017 on the file of the Learned Additional District and Sessions Judge, Srivilliputhur dated 27.02.2026, affirming the sentence passed by the Learned Fast Track Judicial Magistrate, Srivilliputtur, in STC No.45 of 2011 dated 04.10.2017.

For Petitioner : Mr.R.Karunanidhi,
Advocate.



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in STC No.45 of 2011, dated 04.10.2017 passed by the learned Fast Track Judicial Magistrate, Srivilliputtur, confirmed in C.A.,No.138 of 2017 dated 27.02.2026 on the file of the Additional District and Sessions Judge, Srivilliputhur 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 04.10.2017 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.3,000/- (Rupees Three Thousand only) in default, to undergo a further simple imprisonment for a period of one month, in STC No.45 of 2011 on the file of the learned Fast Track Judicial Magistrate, Srivilliputtur.



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3. The learned Additional District and Sessions Judge, Srivilliputhur, confirmed the conviction and sentence, and dismissed C.A.,No.138 of 2017 dated 27.02.2026. 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 deposited a sum of Rs.1 Lakh before the learned trial Court.

5. This Court has carefully considered the submissions made by the learned counsel for the petitioner 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 Fast Track Judicial Magistrate, Srivilliputtur;

(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



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(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.818 of 2026.

18.06.2026

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To

- 1.The Fast Track Judicial Magistrate, Srivilliputtur.
2. The Additional District and Sessions Judge, Srivilliputhur.



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L. VICTORIA GOWRI, J

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