

Crl.M.P.(MD)No.11125 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **15.06.2026**

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THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.11125 of 2026

in

CRL RC(MD) No.945 of 2026

E.Prabhu

... Petitioner

Vs.

S.Prabhu

... Respondent

PRAYER: This Criminal Miscellaneous Petition is filed under Section 438(1) of BNSS to suspend the sentence passed in judgment of conviction and sentence in Crl.A.No.69 of 2024 dated 17.04.2026 on the file of the VI Additional District & Sessions Judge, Madurai, confirming the judgment of the conviction of sentence imposed in STC No.520 of 2015, dated 29.01.2024 passed by the learned Judicial Magistrate No.1 (Fast Track), Madurai, convicting the petitioner / appellant for offences under Section 138 of Negotiable Instrument and sentencing him to undergo 1 year simple imprisonment and also to pay the cheque amount of Rs.5,00,000/- as compensation, pending dispose of the above criminal revision petition.

For Petitioner : Mr.R.Rajeshkumar



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in STC No.520 of 2015, dated 29.01.2024 passed by the learned Judicial Magistrate No.1 (Fast Track), Madurai, confirmed in Crl.A.No. 69 of 2024 dated 17.04.2026 on the file of the VI Additional District & Sessions Judge, Madurai 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 29.01.2024 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.5,00,000/- (Rupees Five Lakhs only) to the defacto complainant within a period of two months, in default, to undergo a further simple imprisonment for a period of two months, in STC No.520 of 2015 on the file of the learned Judicial Magistrate No.1 (Fast Track), Madurai.

3. The learned VI Additional District & Sessions Judge, Madurai, confirmed the conviction and sentence, and dismissed Crl.A.No.69 of 2024 dated 17.04.2026. Challenging the same, the present Criminal Revision Case



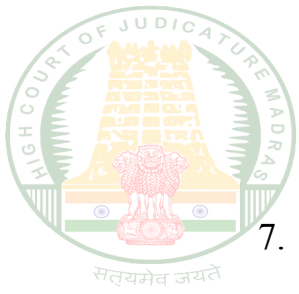
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has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.

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.1,00,000/- 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.



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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 No.1 (Fast Track), Madurai;

(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 Crl.R.C.(MD)No. 945 of 2026.

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

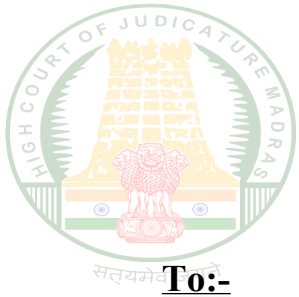
9. List the matter after four weeks.

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To:-

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- 1.The VI Additional District & Sessions Judge, Madurai.
- 2.The Judicial Magistrate No.1 (Fast Track), Madurai,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

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