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CRL MP(MD) Nos.9905 & 9906 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21-05-2026

CORAM

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

CRL MP(MD) Nos.9905 & 9906 of 2026

IN

CRL RC(MD) No.847 of 2026

S.Asath Niyas

Petitioner(s)
in both petitions

Vs

Kalaiselvan

Respondent(s)
in both petitions

For Petitioner(s):

Mr.M.Jegadeesh Pandian

Prayer for Crl.M.P(MD)No.9905/2026:

To suspend the sentence imposed as against the petitioner passed in STC.No. 1404/2022 on the of the learned Fast Track Judicial Magistrate Court, Srivilliputhur, Virudhunagar District dated 30.10.2023 and the same was upheld by the Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District in Crl.A.No.8 of 2024 dated 29.04.2026, pending disposal of the above Criminal Revision Case.

Prayer for Crl.M.P(MD)No.9906/2026:

To grant exemption from surrender to the petitioner/appellant/accused as against the judgment passed in STC.No.1404/2022 on the of the learned Fast Track Judicial Magistrate Court, Srivilliputhur, Virudhunagar District dated 30.10.2023 and the same was upheld by the Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District in Crl.A.No.8 of 2024 dated 29.04.2026, pending disposal of the above Criminal Revision Case.



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COMMON ORDER

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Heard Mr.M.Jegadeesh Pandian, learned Counsel for the petitioner and perused the materials available on record.

2. Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioner by Fast Track Judicial Magistrate Court, Srivilliputhur, Virudhunagar District in S.T.C.No.1404 of 2022 dated 30.10.2023, which was confirmed by Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District in Crl.A.No.8 of 2024, dated 29.04.2026 and to exempt the petitioner from surrendering before the Court below.

3. Learned counsel for petitioner would submit that petitioner was convicted by Fast Track Judicial Magistrate Court, Srivilliputhur, Virudhunagar District for offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.1404 of 2022 dated 30.10.2023 and sentenced to undergo one year Simple Imprisonment and to pay fine of Rs.5,000/- in default to undergo two months Simple Imprisonment. Aggrieved, petitioner filed criminal appeal in Crl.A.No.8 of 2024 before Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District and the lower Appellate Court by judgment dated 29.04.2026 dismissed the appeal confirming the conviction and sentence



passed by the trial Court. Aggrieved, petitioner filed CrI.R.C.(MD)No.847 of 2026 before this Court along with the instant miscellaneous petitions seeking suspension of sentence, bail and exemption from surrender.

4. Learned Counsel for petitioner would further submit that petitioner has raised substantial grounds in the above revision, which requires consideration; and that to show his bonafides, petitioner is willing to deposit Rs.1,50,000/-, before the trial Court. Hence, he prayed for granting suspension of sentence to the petitioner.

5. Considering the fact that there are arguable points raised in revision and taking into consideration of facts and circumstances of the case, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the trial court, on the following conditions, till the disposal of the above Criminal Revision:

i) Petitioner is directed to deposit Rs.1,50,000/- to the credit of S.T.C.No.1404 of 2022 dated 30.10.2023 on the file of Fast Track Judicial Magistrate Court, Srivilliputhur, Virudhunagar District, on or before **08.06.2026**, failing which the sentence suspended shall stand automatically vacated and respondent is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law;



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(ii) Any amount already paid shall be deducted while reckoning the said deposit amount as directed in clause (i);

(iii) On such deposit, petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of Fast Track Judicial Magistrate Court, Srivilliputhur, Virudhunagar District ;

iv) Petitioner and sureties shall affix their photographs and Left Thumb Impression in the bond and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity;

v) Petitioner shall appear and sign before Fast Track Judicial Magistrate Court, Srivilliputhur, Virudhunagar District, on the first working day of every month at 10.30 a.m., until the disposal of the revision;

vi) In case, petitioner is not able to appear before the said Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. (corresponding to 355 B.N.S.S) and shall appear before the said Court on any other day in lieu of the date of his absence, as directed by the said Court.



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6. Accordingly, these Criminal Miscellaneous Petitions are **ordered**.

21-05-2026

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To

1.The Fast Track Judicial Magistrate Court, Srivilliputhur, Virudhunagar District

2.The Additional District and Sessions Judge,
Srivilliputhur,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R. VIJAYAKUMAR, J.

gvr

ORDER
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IN
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Date : 21.05.2026
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