



Crl.M.P.(MD)No.10307 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.06.2026

CORAM

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.10307 of 2026

in

CRL RC(MD) No.894 of 2026

Prakash

... Petitioner/Petitioner

Vs.

Selvaraj

... Respondent/Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section 438 of BNSS to suspend the sentence imposed against the petitioner by the judgment of conviction and sentence passed by Court of the Additional District and Sessions Court, Aruppukottai, Virudhunagar District in Crl.A.No.69 of 2023 dated 13.02.2026 by confirming the judgment of conviction and sentence passed by the Judicial Magistrate Court, Aruppukottai, Virudhunagar District in C.C.No.123 of 2019 dated 19.05.2023 pending disposal of the criminal revision.

For Petitioner : Mr.M.Jothi Basu

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed against the petitioner by the judgment of conviction and sentence passed by Court of the Additional District and Sessions Court,



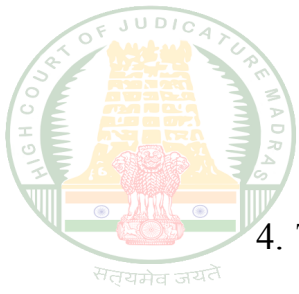
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Aruppukottai, Virudhunagar District in Crl.A.No.69 of 2023 dated 13.02.2026

by confirming the judgment of conviction and sentence passed by the Judicial Magistrate Court, Aruppukottai, Virudhunagar District in C.C.No.123 of 2019 dated 19.05.2023 pending disposal of the criminal revision.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 19.05.2023 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 six months and to pay a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) as compensation to the respondent, in default, to undergo simple imprisonment for a period of further two months, in C.C.No.123 of 2019 on the file of the learned Judicial Magistrate Court, Aruppukottai, Virudhunagar District.

3. The learned Additional District and Sessions Court, Aruppukottai, Virudhunagar District, confirmed the conviction and sentence, and dismissed the C.A.No.69 of 2023, dated 13.02.2026. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.



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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 an amount of Rs.1,60,000/- (Rupees One Lakh and Sixty Thousand only).

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.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the



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following directions :

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(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 Court, Aruppukottai, Virudhunagar District;

(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.

8. Notice.

08.06.2026

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To

1.The Additional District and Sessions Court,
Aruppukottai, Virudhunagar District.

2.The Judicial Magistrate Court,
Aruppukottai, Virudhunagar District.

3.Do through the Chief Judicial Magistrate,
Virudhunagar District.

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L.VICTORIA GOWRI, J.,

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