



CRL MP(MD) Nos.129 and 130 of 2026
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06-01-2026

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THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD) Nos.129 & 130 of 2026

in

CRL RC(MD) No.9 of 2026

A.Arokiasamy

Petitioner(s)
in both petitions

Vs

G.Mareeshwaran

Respondent(s)
in both petitions

For Petitioner(s):

Mr.S.M.Anantha Murugan

Prayer for Crl.M.P(MD)No.129/2026:

To suspend the sentence of imprisonment imposed in judgment dated 08.09.2025 made in Crl.A.No.148/2023 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur by confirming the conviction made in C.C.No.33 of 2020 on the file of the Judicial Magistrate No.II, Sivakasi dated 25.10.2023 and enlarge the petitioner on bail pending disposal of the above said Criminal Revision Petition.

Prayer for Crl.M.P(MD)No.130/2026:

To exempt the petitioner from surrender in pursuant to the judgment dated 08.09.2025 made in Crl.A.No.148/2023 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur by confirming the conviction made in C.C.No.33 of 2020 on the file of the Judicial Magistrate No.II, Sivakasi, dated 25.10.2023 and enlarge the petitioner on bail.

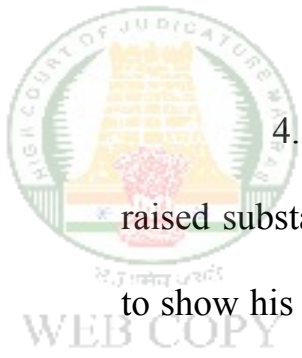


COMMON ORDER

Heard Mr.S.M.Anantha Murugan, learned Counsel for the petitioner.

2.Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioner by Judicial Magistrate Court No.II, Sivakasi in C.C.No.33 of 2020 dated 25.10.2023, which was confirmed by Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in CrI.A.No.148 of 2023, dated 08.09.2025 and to exempt the petitioner from surrendering before the Court below.

3.Learned counsel for petitioner would submit that petitioner was convicted by Judicial Magistrate Court No.II, Sivakasi for offence under Section 138 of the Negotiable Instruments Act in C.C.No.33 of 2020 dated 25.10.2023 and sentenced him to undergo three months Simple Imprisonment and to pay compensation of Rs.2,00,000/- to respondent. Aggrieved, petitioner filed criminal appeal in CrI.A.No.148 of 2023 before Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur and the lower Appellate Court, by the judgment dated 08.09.2025 dismissed the appeal confirming the conviction and sentence passed by the trial Court. Aggrieved, petitioner filed CrI.R.C.(MD)No.9 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 50% of the cheque amount, 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, facts and circumstances of the case and that it is likely to take a while before the revision is finally heard¹, this Court is inclined to grant suspension of sentence, bail 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 50% of cheque amount to the credit of C.C.No.33 of 2020 dated 25.10.2023 on the file of Judicial Magistrate Court No.II, Sivakasi, within a period of four weeks from the date of receipt of a copy of this order, 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;

(ii) Any amount already paid shall be deducted while reckoning 50% of cheque amount 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 Judicial Magistrate No.II, Sivakasi.

¹ Atul Alias Ashutosh vs State of Madhya Pradesh, (2024) 3 SCC 663



iv) Petitioner and sureties shall affix their photographs and Left 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 Judicial Magistrate Court No.II, Sivakasi, on the first working day of every month at 10.30 a.m., until the disposal of the revision;

vi) In case, if petitioner is not able to appear before the trial 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 trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

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

06-01-2026

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To:

1.The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputhur.

2.The Judicial Magistrate No.II, Sivakasi.

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



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MOHAMMED SHAFFIQ, J

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COMMON ORDER
IN
CRL.M.P.(MD)Nos.129 & 130 of 2026
in
CrI.RC(MD).No.9 of 2026

Date : 06/01/2026
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