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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE B.MURUGESAN

CRL MP(MD) No. 23577 of 2026

CNR:{HCMD011577822026}

Case QR

in

CRL RC(MD)No.166 of 2026

Santhanapeeroli ..Petitioner

Vs.

S.P.Varatharaj ..Respondent

PRAYER: This Petition filed under section 430 BNSS, to enlarge the petitioner on bail by suspending the sentence imposed by the Judicial Magistrate, Fast Track Court (M.L) at Theni, Theni District in S.T.C.NO.112 of 2019 by this Judgment dated 09.12.2020 which was confirmed by the Additional District Judge, Additional District (FTC) Court, Theni in C.A.No.7 of 2021 by judgment dated 10.09.2024 pending the disposal of the main criminal revision petition.

For Petitioner : Mr.P.Sivachandran

For Respondent : Mr.M.S.Mohamed Ayub

ORDER

Claiming an order suspending the execution of the sentence imposed on the petitioner/revision petitioner by the Judicial Magistrate, Fast Track Court (M.L) at Theni, Theni District (in short, the trial Court)

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in STC NO.112 of 2019 dated 09.12.2020 and confirmed by the learned Additional District Judge, Additional District (FTC) Court, Theni(in short, the lower appellate court) in CA No.7 of 2021 dated 10.09.2024 pending this criminal revision in CRL RC (MD)No.166 of 2026, the petitioner/revision petitioner has filed this Criminal Miscellaneous Petition.

2.Heard the learned counsel for the petitioner/revision petitioner and the learned counsel for the respondent/revision respondent.

3.Learned counsel appearing for the petitioner/revision petitioner would submit that the petitioner/sole accused was convicted by the trial court for the offences punishable under Section 138 of the Negotiable Instruments Act in STC NO.112 of 2019, dated 09.12.2020 and sentenced to undergo simple imprisonment for six months and to pay a compensation of Rs.3,00,000/- within one month in default, to undergo simple imprisonment for one month.

4.Learned counsel for the petitioner would further submit that aggrieved by such conviction, the petitioner/revision petitioner filed CA No.7 of 2021, before the lower appellate court, which, vide its order dated 10.09.2024, dismissed the appeal, confirming the conviction and sentence passed by the trial court and that challenging such conviction

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and sentence passed by the trial court and confirmed by the lower appellate court, the petitioner/revision petitioner has filed this Criminal Revision Petition in CRL RC (MD)No.166 of 2026 before this Court along with this criminal miscellaneous petition seeking suspension of sentence and bail.

5.Learned Counsel appearing for the petitioner/revision petitioner would further submit that in an earlier petition in CRL MP (MD)No.2009 of 2026, this Court had passed an order granting suspension of sentence with a condition to deposit 50% of the cheque amount but, the petitioner due to some personal reasons, was not able to deposit such 50% of the cheque amount as ordered, that consequently, the earlier order passed in CRL MP (MD)No.2009 of 2026 has been recalled, that the petitioner is now ready to deposit such 50% of the cheque amount to the credit of STC No.112 of 2019 on the file of the trial Court, that the impugned order of the lower appellate court suffers infirmities and illegalities, warranting the interference of this court, that the courts below have failed to apply their judicial mind, that challenging such infirmities and illegalities, the petitioner/revision petitioner, with several substantial grounds, has invoked the revisional jurisdiction of this court under this criminal revision and that therefore, an order suspending the execution of the

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sentence concerned and enlarging the petitioner/revision petitioner on bail needs to be passed in the interest of justice, pending this criminal revision.

6.Learned counsel appearing for the respondent would agree for the deposit of such 50% of the cheque amount.

7.Considering the fact that the petitioner/revision petitioner is ready to deposit a further 50% of the cheque amount, considering the facts and circumstances of the case and considering several substantial grounds raised in this criminal revision, this court is inclined to allow this criminal miscellaneous petition in such terms as under:

(1)that the petitioner/revision petitioner, as agreed, shall deposit 50% of the cheque amount to the credit of STC No.112 of 2019 on the file of the trial court,

(2)that on such deposit, the execution of sentence passed by the trial Court shall stand suspended and the petitioner/revision petitioner shall be released on bail on his executing a bond for sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for the like sum each to the satisfaction of the trial court with the further conditions,

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a)that the photographs and left thumb impressions of the sureties be affixed in the surety bond,

b)that a copy of their aadhar card/voter identity card/bank pass book of the sureties be furnished for their identity,

c)that the cell phone numbers of the sureties and of the petitioner/revision petitioner be furnished,

d)that the petitioner/revision petitioner shall appear before the trial court on the first working day of every English Calendar month at 10.30 am., until further orders,

e) that in case of any violation of the above conditions, the trial court shall be at liberty to take action as per the judgment of the Supreme Court in ***P.K. Shaji Vs. State of Kerala AIR 2005 SCR 5560***.

8.In fine, this Criminal Miscellaneous Petition is ordered, accordingly.

04-11-2026

GNS

Note: Issue order copy on 05.11.2026

To

1.The Judicial Magistrate, Fast Track Court (M.L)

at Theni, Theni District

2.The Additional District Judge, Additional District (FTC) Court,Theni

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CRL MP(MD) No. 23577 of 2026

04-11-2026

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