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CRL MP(MD) Nos. 1929 & 1930 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-02-2026

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THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD) Nos.1929 & 1930 of 2026

IN

CRL RC(MD) No.157 of 2026

Radix Bernando

Petitioner(s)
in both petitions

Vs

K.P.Radha

Respondent(s)
in both petitions

For Petitioner(s):

Mr.S.Surya

Prayer for Crl.M.P(MD)No.1929/2026:

To suspend the sentence passed by the learned Judicial Magistrate No.I, Sivakasi in connection with the Judgment passed in Crl.A.No.63/2020 dated 24.10.2025 on the file of the Learned Additional District and Sessions Court, Virudhunagar District at Srivilliputhur by confirming the order of conviction sentence passed by learned Judicial Magistrate No.I, Sivakasi in S.T.C.No.24 of 2016 dated 03.11.2020.

Prayer for Crl.M.P(MD)No.1930/2026:

To exempt the petitioner from surrender before the learned Judicial Magistrate No.I, Sivakasi in connection with the Judgment passed in Crl.A.No.63/2020 dated 24.10.2025 on the file of the Learned Additional District and Sessions Court, Virudhunagar District at Srivilliputhur by confirming the order of conviction sentence passed by the learned Judicial Magistrate No.I, Sivakasi in S.T.C.No.24 of 2016 dated 03.11.2020.



COMMON ORDER

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Heard Mr.S.Surya, learned Counsel for the petitioner.

2.Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioner by Judicial Magistrate No.I, Sivakasi in S.T.C.No.24 of 2016 dated 03.11.2020, which was confirmed by Additional District and Sessions Court, Virudhunagar District at Srivilliputhur in Crl.A.No.63 of 2020, dated 24.10.2025 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 No.I, Sivakasi for offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.24 of 2016 dated 03.11.2020 and sentenced to undergo one year Simple Imprisonment and to pay compensation of Rs.5,60,000/- to respondent, in default, to undergo two months simple imprisonment. Aggrieved, petitioner filed criminal appeal in Crl.A.No.63 of 2020 before Additional District and Sessions Court, Virudhunagar District at Srivilliputhur and the lower Appellate Court, by the judgment dated 24.10.2025 dismissed the appeal confirming the conviction and sentence passed by the trial Court. Aggrieved, petitioner filed Crl.R.C.(MD)No.157 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 S.T.C.No.24 of 2016 dated 03.11.2020 on the file of Judicial Magistrate No.I, 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;

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



(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.I, Sivakasi;

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 Judicial Magistrate No.I, Sivakasi, 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 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**.

02-02-2026

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CRL MP(MD) Nos. 1929 & 1930 of 2020

To

1.The Judicial Magistrate No.I,
Sivakasi.

2.The Additional District and Sessions Judge,
Virudhuangar District at Srivilliputhur,

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



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CRL MP(MD) Nos. 1929 & 1930 of 2026

MOHAMMED SHAFFIQ, J.

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CrI.M.P.(MD)Nos.1929 & 1930 of 2026
in
CrI.RC(MD).No.157 of 2026

02.02.2026

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