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CRL MP(MD) Nos.4579 & 4582 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26-02-2026

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD) Nos.4579 & 4582 of 2026

IN

CRL RC(MD) No.374 of 2026

A.Zulifiquar Ali @ A.Zulffihar Ali

Petitioner(s)
in both petitions

Vs

M/s.Sathiyashri Enterprises,
Rep by its Managing Partner
R.S.Maniyan

Respondent(s)
in both petitions

For Petitioner(s):

Mr.S.Gokulraj

For Respondent(s):

Mr.P.Athimoolapandian

Prayer for Crl.M.P(MD)No.4579/2026:

To Suspend the sentence of Imprisonment and sentence imposed in Crl.A. No.52 of 2023 on the file of the District and Sessions Judge, Karur, dated 19.06.2025 by confirming the conviction made in C.C.No.898 of 2017 on the file of the Judicial Magistrate Fast Track Court @ Magisterial Level, Karur dated 01.03.2023.

Prayer for Crl.M.P(MD)No.4582/2026:

To Exempt the petitioner from surrender in pursuant to the judgment in Crl.A. No. 52 of 2023 on the file of the District and Sessions Judge, Karur, dt. 19.06.2025 by confirming the conviction made in C.C. No.898 of 2017 on the file of the Judicial Magistrate Fast Track Court @ Magisterial Level, Karur dated 01.03.2023.



CRL MP(MD) Nos.4579 & 4582 of 2020

COMMON ORDER

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Heard M/s.S.Gokulraj, learned Counsel for the petitioner and Mr.Athimoolapandian, learned Counsel for respondent.

2.Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioner by Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur in C.C.No.898 of 2017 dated 01.03.2023, which was confirmed by District and Sessions Judge, Karur in Crl.A.No.52 of 2023, dated 19.06.2025 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, Fast Track Court @ Magisterial Level, Karur for offence under Section 138 of the Negotiable Instruments Act in C.C.No.898 of 2017 dated 01.03.2023 and sentenced to undergo six months Simple Imprisonment and to pay compensation of Rs.5,62,300/- to respondent within one month, in default, to undergo one month simple imprisonment. Aggrieved, petitioner filed criminal appeal in Crl.A.No.52 of 2023 before District and Sessions Judge, Karur and the lower Appellate Court, by the judgment dated 19.06.2025 dismissed the appeal confirming the conviction and sentence passed by the



trial Court. Aggrieved, petitioner filed CrI.R.C.(MD)No.374 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. Mr.P.Athimoolpandian, learned Counsel appearing for respondent opposed the submissions of learned counsel for petitioner and submitted that judgments passed by Courts below are as per law after considering the entire evidence, thus the relief sought by petitioner at this stage be refused by this Court.

6. 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:

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



i) Petitioner is directed to deposit 50% of cheque amount to the credit of C.C.No.898 of 2017 dated 01.03.2023 on the file of Judicial Magistrate, Fast Track Court at Magisterial Level, Karur, 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) The respondent is at liberty to file an appropriate application seeking withdrawal of the cheque amount, without prejudice to the rights of the petitioner to recover the same in the event of succeeding in the present Criminal Revision.

(iv) 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, Fast Track Court @ Magisterial Level, Karur;

(v) 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;



vi) Petitioner shall appear and sign before Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur, on the first working day of every month at 10.30 a.m., until the disposal of the revision;

vii) 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.

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

26-02-2026

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To

1.The Judicial Magistrate, Fast Track Court @ Magisterial Level,
Karur.

2.The District and Sessions Judge,
Karur.



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MOHAMMED SHAFFIQ, J.

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CrI.RC(MD).No.374 of 2026

26.02.2026

3/9