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CRL MP(MD) Nos.1971 & 1973 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.1971 & 1973 of 2026

IN

CRL RC(MD) No.162 of 2026

R.Mahadevan

Petitioner(s)
in both petitions

Vs

M/s.Sivam Funds
Rep by its Managing Partner
Rathnam
S/o.Kuppamuthu Chettiar
No.19-A B, 1st Cross Street
Narasimapuram Middle Street
Karur

Respondent(s)
in both petitions

For Petitioner(s):

Mr.R.Mathiyalagan

Prayer for Crl.M.P(MD)No.1971/2026:

To Suspend the sentence passed by the Learned Judicial Magistrate No. II, Karur, in S.T.C. No. 1659 of 2023 dt. 12-12-2023 and confirming the judgment in Criminal Appeal No. 8 of 2024 dt. 18.09.2025 by Learned District and Sessions Judge, Karur and pass suitable order as this Court may deem fit and proper.



CRL MP(MD) Nos.1971 & 1973 of 2020

Prayer for Crl.M.P(MD)No.1973/2026:

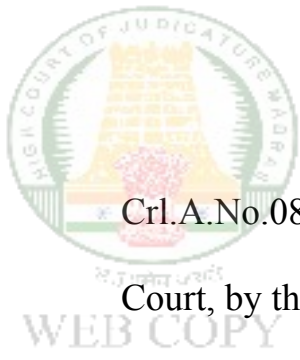
To Exempt the petitioner from surrendering before the trial court in Crl.A. No. 8 of 2024 dt. 18.09.2025 on the file of the Learned District Sessions Judge, Karur by confirming the sentence in S.T.C. No. 1659 of 2023 dt. 12.12.2023 on the file of learned Judicial Magistrate No.II, Karur.

COMMON ORDER

Heard Mr.R.Mathiyalagan, learned Counsel for the petitioner.

2.Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioner by Judicial Magistrate No.II, Karur in S.T.C.No.1659 of 2023 dated 12.12.2023, which was confirmed by District and Sessions Judge, Karur in Crl.A.No.08 of 2024, dated 18.09.2025 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 No.II, Karur for offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.1659 of 2023 dated 12.12.2023 and sentenced to undergo six months Simple Imprisonment and to pay compensation of Rs.7,00,000/- to respondent within a period of one month. Aggrieved, petitioner filed criminal appeal in



Crl.A.No.08 of 2024 before District and Sessions Judge, Karur and the lower Appellate Court, by the judgment dated 18.09.2025 dismissed the appeal confirming the conviction and sentence passed by the trial Court. Aggrieved, petitioner filed Crl.R.C.(MD)No.162 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.1659 of 2023 dated 12.12.2023 on the file of Judicial Magistrate No.II, 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

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



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 him 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, Karur;

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.II, Karur, 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.



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

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CRL MP(MD) Nos.1971 & 1973 of 2026

MOHAMMED SHAFFIQ, J.

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To

1.The Judicial Magistrate No.II, Karur

2.The District and Sessions Judge,
Karur.

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

Crl.M.P.(MD)Nos.1971 & 1973 of 2026

in

Crl.RC(MD).No.162 of 2026

02.02.2026

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