



Crl.MP(MD)No.898 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2026

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Crl.MP(MD)No.898 of 2026
in
Crl.RC.(MD)No.737 of 2024

D.Babu

... Petitioner

Vs.

Amutha Kanimozhi

... Respondent

Prayer : This Criminal Miscellaneous Petition filed under Section 438(1) of B.N.S.S. praying to suspend the conviction and sentence passed in C.A.No.58 of 2023 on the file of Principal Sessions Judge, Thanjavur, dated 05.10.2023 in S.T.C.No.206 of 2018 on the file of learned Judicial Magistrate Fast Track Court, Thanjavur, dated 29.09.2022.

For Petitioner : Mr.G.Thiruvartselvan

For Respondent : Mr.Thirumahilmaran



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ORDER

Heard Mr.G.Thiruvarutselvan, learned Counsel for Revision Petitioner and Mr.Thirumahilmaran, learned Counsel for Respondent.

2. Criminal Miscellaneous Petition has been filed, praying to suspend the conviction and sentence passed in C.A.No.58 of 2023 on the file of Principal Sessions Judge, Thanjavur, dated 05.10.2023 in S.T.C.No.206 of 2018 on the file of Judicial Magistrate Fast Track Court, Thanjavur, dated 29.09.2022.

3. Learned counsel for petitioner would submit that petitioner was convicted by Judicial Magistrate Fast Track Court, Thanjavur, for offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.206 of 2018, dated 29.09.2022 and sentenced to undergo one year Simple Imprisonment and to pay compensation of Rs.6,00,000/- to respondent, in default, to undergo two months simple imprisonment. Aggrieved, petitioner filed criminal appeal in Crl.A.No.58 of 2023 before Principal Session Judge, Thanjavur and the lower Appellate



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Court, by the judgment dated 05.10.2023 dismissed the appeal confirming the conviction and sentence passed by the trial Court.

3.1. Aggrieved, petitioner filed Criminal Revision Petition in Crl.RC(MD)No.737 of 2024 before this Court along with criminal miscellaneous petitions seeking suspension of sentence in Crl.MP(MD)Nos.7782 of 2024 and this Court vide order dated 05.08.2024 granted suspension of sentence on following conditions:

“(i) The petitioner shall deposit a sum of Rs.2,00,000/- on or before 27.08.2024 and the remaining amount shall be deposited on or before 24.09.2024 to the credit in S.T.C.No.206 of 2018 on the file of the learned Judicial Magistrate Fast Track Court, Thanjavur, failing which the sentence suspended shall automatically dismissed and the second respondent is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law;

(ii) On such deposit, the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate Magistrate Fast Track Court, Thanjavur ;



(iii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iv) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C 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. Consequently, Connected Crl.M.P(MD)No.7783 of 2024, is closed.”

3.2. Learned counsel for petitioner would submit that petitioner had complied with the first part of the condition in clause(i), regarding payment of Rs.2,00,000/- on or before 27.08.2024. However, due to financial constraints, he was unable to comply with the second part of condition regarding deposit of the remaining amount on or before 24.09.2024.



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3.3. Learned Counsel for Petitioner would also submit that with great difficulty, petitioner had deposited Rs.1,20,000/- out of 6,00,000/- before Judicial Magistrate Fast Track Court, Thanjavur, prior to filing of the Criminal Revision Case. Thus, Petitioner had deposited 3,20,000/- before the Court below, which constitutes more than 50% of the cheque amount. He would submit that he was arrested on 03.06.2025 and has been in incarceration for last seven months.

3.4. Learned Counsel for Petitioner would further submit that petitioner is a daily wager and he undertakes to pay a further sum of Rs.1,00,000/- to the respondent within a period of two months, to which learned counsel for Respondent has no objection. He would also submit that petitioner has complied with all other conditions imposed by this Court vide order dated 05.08.2024.

4. At this juncture, learned counsel for Respondent, prays this Court to permit the Respondent to withdraw the amount which has already been deposited by Revision Petitioner before the Trial Court, within the time period stipulated by this Court, to which learned Counsel



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for Revision Petitioner has no objection.

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5. Accordingly, Respondent is permitted to file an appropriate application before Judicial Magistrate, Fast Track Court, Thanjavur seeking withdrawal of the sum of Rs.3,20,000/- (Rupees Three Lakh Twenty Thousand only), which was already deposited by Revision Petitioner before the Trial Court. On receipt of such application, Judicial Magistrate, Fast Track Court, Thanjavur, is directed to process the same and release the aforesaid amount to Respondent within a period of ten (10) days thereafter, in accordance with law.

6. In view thereof, this Criminal Miscellaneous Petition is ordered on the following terms:

(i) The jail authority, Central Prison, Trichy is directed to release Revision Petitioner from prison forthwith without imposing any condition.

(ii) Petitioner is directed to pay Rs.1,00,000/- (Rupees One Lakh only) to the Respondent within a period of two months from the date of receipt of a copy of this order.



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(iii) Petitioner shall appear and sign before Judicial Magistrate, Fast Track Court, Thanjavur, on the first working day of every month at 10.30 a.m., until the disposal of the revision;

iv) In case, petitioner is unable 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.

20.01.2026

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Note:

i) Issue order copy on 22.01.2026.

ii) Registry is directed to send a copy of this order to Superintendent, Central Prison, Trichy through mail forthwith.



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To:

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- 1.The Principal Sessions Judge, Thanjavur.
- 2.Judicial Magistrate Fast Track Court, Thanjavur,
- 3.Central Prison, Trichy.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.



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MOHAMMED SHAFFIQ, J.

Nsr

Order made in
CrI.MP(MD)No.898 of 2026
in
CrI.RC.(MD)No.737 of 2024

Dated: 20.01.2026