



CRL MP(MD) NOs.3207 and 3209 of 2026
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12-02-2026

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THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

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CRL MP(MD) NOs. 3207 and 3209 of 2026

in

CRL RC(MD) NO.254 of 2026

Franklin Rousvelt

Petitioner(s)
in both petitions

Vs

1. M.Subramanian
2. The State of Tamil Nadu,
Rep., by Public Prosecutor,
Nagercoil.

Respondent(s)
in both petitions

For Petitioner(s):

Mr.T.Arul

Prayer for Crl.M.P(MD)No.3207/2026:

To suspend the Sentence imposed on the petitioner vide judgment dated 11.12.2019 passed by Learned Judicial Magistrate, Fast Track Court, Nagercoil in STC No.516/2018 which has confirmed by the Learned Sessions Fast Track Mahila Court, Nagercoil in Crl.A.No.4 of 2020 vide judgment dated 13.10.2025 pending disposal of the above Revision Petition.

Prayer for Crl.M.P(MD)No.3209/2026:

To exempt the petitioner from surrendering vide judgment dated 11.12.2019 passed by Learned Judicial Magistrate, Fast Track Court, Nagercoil in STC No. 516/2018 which has confirmed by the Learned Sessions Fast Track Mahila Court, Nagercoil in Crl.A.No.4 of 2020 vide judgment dated 13.10.2025 pending disposal of the above Revision Petition.



COMMON ORDER

Heard Mr.T.Arul, learned counsel for petitioner.

2. Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioner by Judicial Magistrate, Fast Track Court, Nagercoil in S.T.C.No.516 of 2018 dated 11.12.2019, which was confirmed by Sessions Fast Track Mahila Court, Nagercoil in Crl.A.No.4 of 2020 dated 13.10.2025 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, Fast Track Court, Nagercoil for offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.516 of 2018 dated 11.12.2019 and sentenced to undergo six months Simple Imprisonment and to pay compensation of Rs.20,00,000/-, in default to undergo one month Simple Imprisonment. Aggrieved, petitioner filed criminal appeal in Crl.A.No.4 of 2020 before Sessions Fast Track Mahila Court, Kanniyakumari at Nagercoil and the lower Appellate Court by judgment dated 13.10.2025 dismissed the appeal confirming the conviction and sentence passed by trial Court. Aggrieved, petitioner filed Crl.R.C.(MD)No.254 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 other 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 in two installments. Hence, he prayed for granting suspension of sentence, bail and exemption from surrender to 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 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 25% of cheque amount as the first installment to the credit of S.T.C. No. 516 of 2018, dated 11.12.2019, on the file of the Judicial Magistrate, Fast Track Court, Nagercoil, within a period of four weeks from the date of receipt of a copy of this order. The remaining 25% of the cheque amount shall be deposited as the second installment within a period of two weeks thereafter. If the petitioner fails to comply with the above condition, 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



30/06/2016

(ii) Any amount already paid shall be deducted while reckoning 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, Fast Track Court, Nagercoil;

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, Fast Track Court, Nagercoil, 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 said 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 said Court on any other day in lieu of the date of his absence, as directed by the said Court.

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

12-02-2026
(1/2)

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To
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1. The Judicial Magistrate, Fast Track Court, Nagercoil
2. The Sessions Fast Track Mahila Court, Nagercoil
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.