

Valavane Assogane Vs Revathi

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Court : Chennai

Decided On : May-07-2026

Judge : Honourable Mrs.Justice L.Victoria Gowri

Appeal No. : CRL MP/8410/2026

Appellant : Valavane Assogane

Respondent : Revathi

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.05.2026

Coram:

THE HONBLE MRS.JUSTICE L.VICTORIA GOWRI CrI.M.P.No.8410 of 2026 in CrI.R.C.No.1039 of 2026 Valavane Assogane (M/58) S/o. Valavane Pajanicomarane No.14, Kirambu Thottam, South Street, ...Petitioner

Versus

Revathi (M/65) W/o. Nagarajan, Sivan Koil Street, Keezhakasakudi, ...Respondent Prayer: This Criminal Miscellaneous Petition has been

filed under Section 438(1) of BNSS praying to suspend the sentence imposed on the Petitioner in C.A.No.8 of 2025 on the file of the learned Sessions Judge at Karaikal dated 09.03.2026 confirming the conviction and sentence passed by the learned Judicial Magistrate No.II at Karaikal in S.T.C.No.383 of 2023 dated 01.08.2025 and enlarge the Petitioner on bail pending disposal of the above Criminal Revision Case. For Petitioner : Ms.P.J.Anitha

ORDER

This Criminal Miscellaneous Petition has been filed by the Petitioner seeking to suspend the sentence of imprisonment imposed on him by the learned Judicial Magistrate No.II, Karaikal vide Judgment dated 01.08.2025 in S.T.C.No.383 of 2023, which was confirmed by the learned Sessions Judge, Fast Tract Court, Karaikal vide Judgment dated 09.03.2026 in C.A.No.8 of 2025 and enlarge him on bail pending disposal of this Criminal Revision Petition.

2. The Petitioner is an Accused in S.T.C.No.383 of 2023 on the file of

Judicial Magistrate Court No.II, Karaikal. The Petitioner/Accused was found guilty for commission of offence under Section 138 of NI Act. Therefore, the Trial Court vide Judgment dated 01.08.2025 in S.T.C.No.383 of 2023, convicted the Petitioner/Accused under Section 255(2) of Cr.P.C and sentenced him to undergo 6 months simple imprisonment and to pay a sum of Rs.5,00,000/- as compensation to the Respondent/de-facto complainant within 2 months, in default, to undergo 2 months simple imprisonment. Aggrieved by the said conviction and sentence,

Petitioner/Accused had preferred Criminal Appeal in C.A.No.8 of 2025 before the Court of Sessions Judge, Karaikal. However, learned Sessions Judge, Fast Track Court, Karaikal vide Judgment dated

09.03.2026 dismissed the said Criminal Appeal and confirmed the judgment of Trial Court. Hence, Petitioner/Accused has filed the present Criminal Revision Petition along with this Criminal Miscellaneous Petition.

3. Ms.P.J.Anitha, learned counsel for Petitioner/Accused submitted

that there are arguable points available in the Criminal Revision which is not likely to be taken up for final hearing in the near future and Petitioner/Accused has a fair chance of succeeding in the Criminal Revision Case. She further submitted that Petitioner has deposited Rs.1,00,000/- to the credit of S.T.C.No.383 of 2023 on the file of learned Judicial Magistrate No.II, Karaikal. Therefore, the learned counsel prayed that the substantive sentence imposed on Petitioner/Accused may be suspended.

4. Heard the learned counsel for the Petitioner/Accused and perused the materials available on record.

5. Considering the facts and circumstances of the case and having

regard to the submissions made by the learned counsel for Petitioner and also, taking into consideration of the fact that the Criminal Revision is not likely to be taken up for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment alone.

6. Accordingly, till the disposal of present Criminal Revision Petition, the relief of suspension of sentence is granted to the Petitioner/Accused, subject to the following conditions:

(i) The Petitioner/Accused 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 learned Judicial Magistrate No.II, Karaikal;

(ii) The sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhaar Card or Bank Pass Book to ensure their identities;

(iii) The Petitioner/Accused shall appear before the Trial Court on all working days at 10.30 a.m., until further orders.

7. This Criminal Miscellaneous Petition is ordered on the above conditions.
07.05.2026 mrr Index: Yes/No

Speaking Order (or) Non-Speaking Order

To 1.The Judicial Magistrate No.II, 2.The Sessions Judge, Fast Tract Court, Karaikal. 3.The Public Prosecutor, High Court, Madras.

L.VICTORIA GOWRI, J.

mrr Crl.M.P.No.8410 of 2026 in Crl.R.C.No.1039 of 2026 07.05.2026

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