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Crl.M.P.No.13803 of 2025 in
Crl.R.C.No.1079 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.13803 of 2025
in
Crl.R.C.No. 1079 of 2025

Arumugam

.... Petitioner

Vs

Perumal

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438 read with 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed upon the petitioner herein in C.C.No.154 of 2017 on the file of the learned Judicial Magistrate, Madurantakam, by its Judgment dated 30.08.2019 and confirmed by the learned Principal District and Sessions Judge, Kancheepuram at Chengalpattu in Crl.A.No.79 of 2019 dated 15.06.2023 and release the petitioner herein on bail pending disposal of the above revision.

For Petitioner : Mr.R.Karthikeyan



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Principal District and Sessions Judge, Kancheepuram at Chengalpattu in C.A.No.79 of 2019, dated 15.06.2023, confirming the Judgment dated 30.08.2019 passed in C.C.No.154 of 2017 by the learned Judicial Magistrate, Madurantakam and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in C.C.No.154 of 2017 on the file of the learned Judicial Magistrate, Madurantakam. He was found guilty of the offence under Section 138 of the Negotiable Instruments Act and he has been convicted and sentenced to undergo simple imprisonment for a period of two years and to pay double the cheque amount of Rs.9,00,000/- and to pay fine of Rs.10,000/-, in default of payment of fine amount, the petitioner shall undergo a simple imprisonment for a period of six months. Aggrieved by the same, the petitioner had filed an appeal in C.A No.79 of 2019 and the learned Principal District and Sessions Judge, Kancheepuram at Chengalpattu, by order dated 15.06.2023, had dismissed the above appeal, confirming the judgment and sentence imposed by the trial Court. Aggrieved by the same, the present revision has been filed.



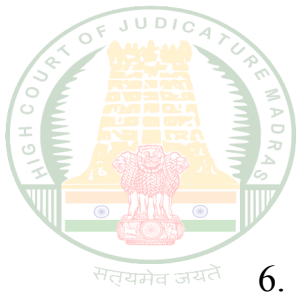
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3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Revision Case and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide any condition to be imposed by this Court.

4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. Considering the submissions of the learned counsel for the petitioner, coupled with the quantum of punishment imposed upon the petitioner, considering the period of incarceration undergone by the petitioner and taking into consideration the fact that this criminal revision is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.



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6. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence and bail is granted on the following conditions:

(i) the petitioner shall deposit the entire cheque amount, i.e. Rs.4,50,000/- (Rupees Four Lakhs Fifty Thousand only), after deducting the amount which was already deposited by the petitioner, if any, to the credit of C.C.No.154 of 2017 on the file of learned Judicial Magistrate, Madurantakam, within a period of four weeks from today. Failing which, the order passed by this Court shall stand automatically cancelled.

(ii) On such deposit being made, the trial Court shall redeposit the said amount in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Criminal Revision Case;

(iii) On the failure of the petitioner/accused depositing the above said amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

(iv) On the petitioner depositing the amount as stated clause (i) supra, the sentence of imprisonment alone, imposed on the petitioner/accused, shall be suspended, on his execution of a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to



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the satisfaction of the trial court;

(v) The petitioner and 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 and mobile numbers to ensure their identity;

(vi) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision petition 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 355 of BNSS, 2023 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;

6. With the above directions, this Criminal Miscellaneous Petition is ordered.

15.07.2025
(2/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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G.K.ILANTHIRAIYAN, J.



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1. The Principal District and Sessions Judge, Kancheepuram at Chengalpattu
2. The Judicial Magistrate, Madurantakam.
3. The Superintendent, Central Prison, Puzhal.

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