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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.MP.No.4306 of 2024

in

CRL RC No. 445 of 2024

1. D.Sanjay

S/o.Duraisamy, Mola Gounden Pudur,
Muthur Post, Kangeyam Taluk,
Tiruppur. Actually, residing at No.38,
Venkatesa Nagar, Varadharajapuram
Medu, Upplipalyam, Coimbatore.

Petitioner(s)

Vs

1. R.Subramaniyan

S/o.Ariyamuthu, No.7/1-178, Raman
Nagar and Post, Mettur Taluk, Salem
District.

Respondent(s)

For Petitioner(s): P.Thinesh

For Respondent(s):



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend the sentence imposed upon the petitioner by the Additional District Judge, (FAC), Mettur, confirming the judgement dated 18.04.2023 in S.T.C.No.1553 of 2019 and enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner herein is the accused in S.T.C.No.1553 of 2019 on the file of the learned Additional District Judge, (FAC), Mettur. He was found guilty of the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for a period of one year and to pay Rs.2 lakhs as compensation under Section 357 (3) Cr.P.C. to the complainant within 30 days from this date, in default to undergo simple imprisonment for three months. No fine is imposed. Aggrieved by the same, the petitioner filed an appeal in CrI.A No.117 of 2023, and by order dated 06.02.2024 on the file of the Additional District Judge, (FAC), Mettur,



dismissed the appeal, thereby confirming the judgement and sentence imposed by the trial Court. Hence, 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 and the petitioner/accused has got a fair chance of succeeding in the Criminal revision and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner, further 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. Accordingly, till the disposal of the Criminal revision, the reliefs of suspension of sentence and bail are granted on the



following conditions:

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(a) The petitioner had already deposited a sum of Rs.40,000/-.

Now, this Court directs the petitioner to deposit a further sum of Rs.60,000/- to the credit of STC.NO.1553 of 2019, on the file of the I Judicial Magistrate, Mettur, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the sentence shall stand suspended. The defacto complainant is permitted to withdraw both the amounts already deposited by the petitioner.

(b) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, in which one surety must be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Mettur.

(c) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(d) The petitioner shall appear before the Trial Court on every Tuesday at 10.30 a.m., until the disposal of the Criminal revision 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.

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

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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- 1.The No.I Judicial Magistrate, Mettur.
- 2.The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI J.
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