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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL MP Nos. 3831 & 3834 of 2025

IN

CRL RC NO. 372 OF 2025

G.Krishnan Vijayan
S/o. Govindarajulu,
D.No.3/5, Balakrishnan Street,
Chinthadripet,
Chennai600002.

Appellant(s)

Vs

N.Mohan
S/o. P.Natarajan,
Residing At No.5/207 D Type,
Sidco Nagar,
Villivakkam, Chennai-600049.

Respondent(s)

PRAYER IN CrI.M.P.No.3831 of 2025: This Criminal Miscellaneous Petition is filed under Section 438(1) and 483 of BNSS, 2023, to suspend the execution of sentence passed vide judgment dated 31.01.2025 in Criminal Appeal No.53 of 2024 on the file of the XVI Additional Sessions Judge, City Civil Court, Chennai, dismissing the appeal and confirming the judgment of conviction and



sentence dated 22.12.2023 made in S.T.C.No.202 of 2022 on the file of the Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam, Chennai, convicting the petitioner under Section 138 of the Negotiable Instruments Act, 1881 and sentenced him to undergo one year simple imprisonment and to pay fine of Rs.5,00,000/- in default, to undergo simple imprisonment for three months and to enlarge the petitioner on bail pending disposal of the above main criminal revision petition.

PRAYER IN CrI.M.P.No.3834 of 2025: This Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023, seeking exemption from surrender vide judgment dated 31.01.2025 in Criminal Appeal No.53 of 2024 on the file of the XVI Additional Sessions Judge, City Civil Court, Chennai, dismissing the appeal and confirming the judgment of conviction and sentence dated 22.12.2023 made in S.T.C.No.202 of 2022 on the file of the Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam, Chennai, convicting the petitioner under Section 138 of the Negotiable Instruments Act, 1881 and sentenced him to undergo one year simple imprisonment and to pay fine of Rs.5,00,000/- in default, to undergo simple imprisonment for three months and to enlarge the petitioner on bail pending disposal of the above main criminal revision petition.

For Appellant(s): M/s. G.Krishnamurthy



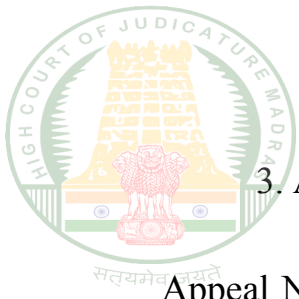
For Respondent:

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ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking suspension of sentence imposed by the learned XVI Additional Sessions Judge, City Civil Court, Chennai,, in Criminal Appeal No.53 of 2024 dated 31.01.2025, by confirming the judgment of conviction and sentence passed in S.T.C.No.202 of 2022 dated 22.12.2023 on the file of the Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam, Chennai, and to enlarge the petitioner on bail and seeking to exempt the petitioner from surrender, pending disposal of the above revision petition.

2. The petitioner herein is the accused in S.T.C.No.202 of 2022 on the file of the Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam, Chennai. He was found guilty of the offence under Section 138 of the Negotiable Instruments Act, 1881 and he has been convicted and sentenced to undergo one year simple imprisonment with fine of cheque amount vide order dated 22.12.2023.



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3. Aggrieved against the same, the petitioner had filed appeal in Criminal Appeal No.53 of 2024 before the learned XVI Additional Sessions Judge, City Civil Court, Chennai, and the learned Additional Sessions Judge by order dated 31.01.2025, had dismissed the appeal and confirmed the conviction and sentence, against which the present revision has been filed.

4. 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 and the petitioner may be exempted from surrendering before the Trial Court. He would submit that the petitioner is ready to abide the condition imposed by this Court.

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

6. This Court vide order dated 05.03.2025, directed the petitioner/accused to deposit 50% of the cheque amount to the credit of S.T.C.No.202 of 2022 on the file of the Metropolitan Magistrate, Fast Track Court-I, Egmore @



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Allikulam, Chennai on or before 28.03.2025. Today, when the matter is taken up for hearing, it is submitted the learned counsel for the petitioner/accused that abovesaid order of this Court has been complied with and he has also filed memo dated 02.04.2025 to that effect. The same is hereby recorded.

7. 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 and 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 be suspended till the disposal of the Criminal Revision Petition and the petitioner is also exempted from surrendering before the trial court. Hence, these Criminal Miscellaneous Petitions are ordered.

8. List the main Criminal Revision Petition in the usual course.

02-04-2025

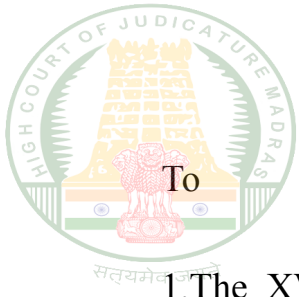
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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1. The XVI Additional Sessions Judge, City Civil Court, Chennai,
2. The Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam, Chennai.



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P.VELMURUGAN J.

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