



Crl.M.P.No.10083 of 2025

Crl.M.P.No.10083 of 2025
in Crl.R.C.No.616 of 2025

WEB N.SENTHILKUMAR.J.

Today, this matter is listed under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner.

2. Learned counsel for the petitioner submitted that, this Court, vide order dated 21.05.2025 allowed the Criminal Miscellaneous Petition by suspending the sentence imposed on the petitioner. He submitted that in Paragraph 7(i) of the said order, it is mentioned that the petitioner shall surrender before the trial Court. Since the petitioner is still in the custody, the question of surrender does not arise, which requires to be modified. Further, he submitted that the name of the counsel for the petitioner may be substituted as Mr.R.Anburaj for Mr.R.Sudhakar.

3. On consideration of the submission made by the learned counsel for the petitioner, paragraph 7 and 7(i) of the earlier order of this Court dated 21.05.2025 passed in Crl.M.P.No.10083 of 2025 in Crl.R.C.No.616 of 2025, shall be deleted and stand substituted as follows:-

"7.Accordingly, this Criminal Miscellaneous Petition is ordered and the petitioner is exempted to surrender before the concerned Court and the sentence of



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imprisonment imposed on the petitioner is suspended till the disposal of the revision case and he is ordered to be enlarged on bail, on further condition that;

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties, each, for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tirupattur;"

4. Further, the name of the learned counsel for the petitioner shall be substituted as Mr.R.Anburaj for Mr.R.Sudhakar.. All the other observations made in the earlier order dated 21.05.2025 shall remain intact.

5. Registry is directed to carry out the necessary correction as aforesaid in the order dated 21.05.2025 and issue fresh copy of the order to the learned counsel for the parties.

**02.06.2025
(2/2)**

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in Crl.R.C.No.616 of 2025



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Crl.M.P.No.10083 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.05.2025**

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

CRL.M.P.No.10083 of 2025

in

CrI.RC.No.616 of 2025

M.Manoharan

... Petitioner

Versus

1.R.Jaisankar

2.State Rep. by

The Public Prosecutor.

... Respondents

Prayer:- Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, to suspend the sentence passed in the Judgment made in Criminal Appeal No.114 of 2023 dated 27.08.2024 by the District and Sessions Judge, Tirupattur, in the Judgment of the Judicial Magistrate No.I, Tirupattur Passed in S.T.C.No.1181 of 2021 dated 05.07.2023 pending disposal of the Criminal Revision Petition.

For Petitioner : Mr.R.Sudhakar

For R2 : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the



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sentence of imprisonment imposed in Judgment dated 27.08.2024 made in C.A.No.114 of 2023 on the file of the learned District and Sessions Judge, Tirupattur, confirming the Judgement dated 05.07.2023 made in S.T.C.No.1181 of 2021, on the file of the Judicial Magistrate No.I, Tirupattur, and enlarge the petitioner on bail, pending disposal of the above revision.

2. The petitioner, who was accused in S.T.C.No.1181 of 2021 was convicted and sentenced by the Judicial Magistrate No.I, Thirupattur as follows:

petitioner's Rank	Provision under which convicted	Sentence
Single accused	Sec.138 of Negotiable Instruments Act.	To undergo simple imprisonment for a period of 6 months. Further, he was directed to pay a cheque amount as compensation of Rs.4,00,000/- under Section 357(3), in default, to undergo three months simple imprisonment.

3. Aggrieved over the above conviction and sentence passed by the trial court, the petitioner preferred Crl.A.No.114 of 2023 before the District and



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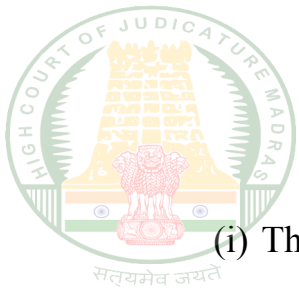
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trial court was confirmed by the Sessions Judge, by her judgment dated 27.08.2024. Against the judgment of the appellate court, the petitioner has preferred the present criminal revision along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. Heard the learned counsel appearing for the petitioner.

5. The learned counsel for the petitioner submitted that there are arguable points in this revision and the petitioner has a good and fair chance of success in this revision. Thus, he prayed for suspension of sentence imposed on the petitioner till the disposal of this Criminal revision.

6. The petitioner has raised substantial grounds in the revision which require detailed appraisal. Further, the revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, this criminal miscellaneous petition stands **allowed** and the relief of suspension of sentence alone is granted on the following conditions:



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- (i) The petitioner shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each, for a like sum to the satisfaction of Judicial Magistrate No.I, Tirupattur.
- (ii) The petitioner and the sureties shall affix their photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.
- (iii) The petitioner shall appear before the trial Court as and when required.

dpa/skr

21.05.2025
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Note:

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this court will be watermarked and will also have a QR code.**



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- 1.The Judicial Magistrate No.I, Tirupattur.
2. The Superintendent of Prison,
Central Jail, Vellore.
- 4.The Public Prosecutor,
Madras High Court.

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dpa/skr



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21.05.2025

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