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Crl.M.P.Nos.24084 & 24086 of 2025
in Crl.R.C.No.2758 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.24084 & 24086 of 2025
in
Crl.R.C.No.2758 of 2025

T.Srinivasan

...Petitioner

-VS-

S.S.Visvanathan

...Respondent

PRAYER in Crl.M.P.No.24084 of 2025: Criminal Miscellaneous Petition filed under Section 442 of BNSS, to grant suspension of sentence of the conviction and sentence passed in Crl.A.No.204 of 2023 dated 12.12.2024 on the file of the learned XV Additional Sessions Judge, City Civil Court, Chennai, confirming the conviction and sentence passed by the learned Metropolitan Magistrate FTC-V (FAC) Saidapet, Chennai -15, made in C.C.No.5633 of 2017 dated 21.03.2023 and enlarge the petitioner on bail pending disposal of the criminal revision petition.

PRAYER in Crl.M.P.No.24086 of 2025: Criminal Miscellaneous Petition filed under Section 528 of BNSS, to grant exemption exemption of surrender of the petitioner in Crl.A.No.204 of 2023 dated 12.12.2024 on the file of the learned

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XV Additional Sessions Judge, City Civil Court, Chennai, confirming the conviction and sentence passed by the learned Metropolitan Magistrate FTC-V (FAC) Saidapet, Chennai -15, pending disposal of the criminal revision petition.

For Petitioner : Ms.D.N.Dhurgasha

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner dated 12.12.2024 in Crl.A.No.204 of 2023 on the file of the learned XV Additional Sessions Judge, City Civil Court, Chennai, by confirming the judgment dated 21.03.2023 made in C.C.No.5633 of 2017 on the file of the learned Metropolitan Magistrate FTC-V (FAC) Saidapet, Chennai -15, and enlarge the petitioner on bail, and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the above revision.

2. The case of the prosecution is that the respondent had given a sum of Rs.6,00,000/- to the petitioner by way of two cheques bearing No.360123 for Rs.5,00,000/- dated 19.07.2014 and a cheque bearing No.360124 dated 02.08.2014 for Rs.1,00,000/-. Thereafter, the petitioner issued two cheques for a



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sum of Rs.5,00,000/- and another cheque for a sum of Rs.1,00,000/- towards discharge of the liability, and when the said cheques were presented for collection, it was returned for the reason “Insufficient Funds” and in spite of statutory notice, the petitioner did not make any payment.

3. The petitioner/Accused in C.C.No.5633 of 2017 was convicted by the Trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for six months with compensation of a sum of Rs.7,00,000/-, in default, to undergo Simple Imprisonment for three months.

4. Challenging the above conviction and sentence, the petitioner/accused preferred an appeal in Crl.A.No.204 of 2023 before the learned XV Additional Sessions Judge, City Civil Court, Chennai. The Appellate Court, vide judgment dated 12.12.2024, dismissed the appeal filed by the petitioner/accused and confirmed the conviction and sentence imposed by the Trial Court. Aggrieved by the judgment of the Appellate Court, the petitioner/accused has preferred the Criminal Revision Case.



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5. The learned counsel for the petitioner/accused would submit that the petitioner has raised substantial grounds in the revision, which requires consideration; that to show his *bona fides* the petitioner is willing to deposit Rs.3,00,000/- to the credit of the C.C.No.5633 of 2017 and prayed for suspension of sentence, and exemption from surrendering before the Trial Court.

6. Heard the learned counsel for the petitioner and perused the materials available on record.

7. Considering the submissions made by the learned counsel for the petitioner that there are substantial grounds in the above revision which requires consideration, this Court is inclined to suspend the sentence imposed on the petitioner and exempt the petitioner from surrendering before the Trial Court, subject to the following conditions, till the disposal of the above Criminal Revision Case:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakh Only) to the credit of C.C.No.5633 of 2017 on the file of the learned



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Metropolitan Magistrate FTC-V (FAC) Saidapet,
Chennai -600 015, within a period of four weeks from the
date of receipt of a copy of this order.

(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) Thereafter, the sentence of imprisonment alone imposed on the petitioner/accused shall be suspended, on his executing a bond a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the trial court.

(iv) 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;

(v) The petitioner shall appear before the Trial Court on the first working day of a month at 10.30 a.m., until the



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disposal of the revision and if he is not able to appear before the Trial Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C., 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.

(vi) 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.

8. Accordingly, these Criminal Miscellaneous Petitions are ordered

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To

- 1.The XV Additional Sessions Judge,
City Civil Court, Chennai.
- 2.The Metropolitan Magistrate FTC-V(FAC),
Saidapet, Chennai -15
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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