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Crl.M.P No.15333 of 2025 in
Crl.R.C.No.1365 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2025

CORAM:

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

Crl.M.P.No.15333 of 2025
in
Crl.R.C.No.1365 of 2025

1.Kumar Chettiar
2.K.Banumathi

....Petitioners

Vs

Dr.Rudrappan

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to suspend the sentence imposed by the judgment dated 21.12.2024 passed by the XX Additional City Civil Court, Chennai in Crl.A.No.771 of 2023 and confirmed in the judgment dated 15.11.2023 in CC.No.660 of 2021 by the Metropolitan Magistrate, Fast Track Court-I, Egmore at Allikulam.

For Petitioners : Mr.P.Sesubalan Raja

ORDER

This Criminal Miscellaneous Petition has been filed praying to suspend the sentence imposed by the judgment dated 21.12.2024 passed by the XX



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Additional City Civil Court, Chennai in Crl.A.No.771 of 2023 and confirmed in the judgment dated 15.11.2023 passed in CC.No.660 of 2021 by the Metropolitan Magistrate, Fast Track Court-I, Egmore at Allikulam.

2. The petitioners herein are the accused in CC.No.660 of 2021 on the file of the Metropolitan Magistrate, Fast Track Court-I, Egmore at Allikulam. They were found guilty of the offence under Section 138 of the Negotiable Instruments Act and they were convicted and sentenced to undergo one year simple imprisonment with fine to the tune of the cheque amount, in default, to undergo further three months simple imprisonment. Aggrieved by the same, the petitioners filed an appeal in Crl.A.No.771 of 2023 and the XX Additional City Civil Court, Chennai, by order dated 22.04.2025 dismissed the appeal confirming the judgment of the trial Court. Aggrieved by the same, the present criminal revision case has been filed.

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



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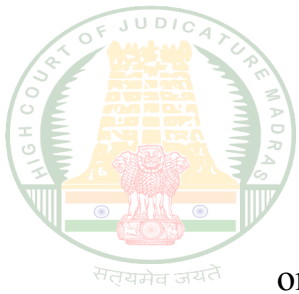
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4. Heard the learned counsel appearing for the petitioners and also perused the materials placed on record.

5. Considering the submissions of the learned counsel for the petitioners, coupled with the quantum of punishment imposed upon the petitioners 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. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) the petitioners shall deposit Rs.5,00,000/- (Rupees Five Lakhs only), to the credit of CC.No.660 of 2021 on the file of the Metropolitan Magistrate, Fast Track Court-I, Egmore at Allikulam, within a period of four weeks from today, failing which the present order of 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



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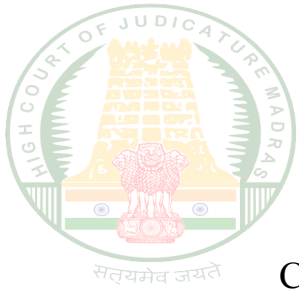
one of the Nationalized Banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Criminal Revision Case;

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

(iv) On the petitioners' depositing the amount as stated in clause (i) supra, the sentence of imprisonment alone, imposed on the petitioners/accused, shall be suspended, on their execution of separate bonds for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;

(v) The petitioners 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 petitioners 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 criminal revision and if they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial



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Court;

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

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(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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To

- 1.XX Additional City Civil Court, Chennai
- 2.The Metropolitan Magistrate, Fast Track Court-I, Egmore at Allikulam.

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