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*Crl.M.P.No.9768 of 2025
in Crl.R.C.No. 592 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2025

CORAM:

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

Crl.M.P.No.9768 of 2025
in
Crl.R.C.No. 592 of 2025

Bharakathanisha

.... Petitioner

Vs

Venkatesan

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence of imprisonment passed by the learned Principal District and Sessions Judge, Thiruvarur dated 01.02.2025 in Criminal Appeal No.17 of 2023, confirming the conviction of sentence passed by the learned Judicial Magistrate No.I, Mannargudi in STC No.1343 of 2014 dated 20.04.2023 and direct the release of the petitioner on pending disposal of the criminal revision petition.

For Petitioner : Mr.S.Kingston Jerold



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Principal District and Sessions Judge, Thiruvarur, in Crl.A.No.17 of 2023 dated 01.02.2025, by confirming the judgment and sentence passed in STC No.1343 of 2014 dated 20.04.2023, by the learned Judicial Magistrate No.I, Mannargudi and enlarge the petitioner on bail pending disposal of the above revision petition.

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

3. It is seen that the petitioner is the accused in a complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act. The Trial Court, after conducting a full-fledged trial, convicted the petitioner for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for a period of two years and also awarded compensation



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equivalent to double the cheque amount. Aggrieved by the same, the petitioner preferred an appeal in Crl.A.No.17 of 2023 and the same was dismissed and the conviction and sentence imposed by the Trial Court was confirmed. The petitioner has now filed this petition seeking to suspend the sentence, without even surrendering before the Trial Court. Therefore, the question of suspending the sentence does not arise.

4. In view of the above, this Criminal Miscellaneous Petition stands dismissed. However, the Trial Court is directed to take necessary steps to secure the presence of the petitioner and ensure compliance with the conviction and sentence imposed against him in STC No.1343 of 2014.

02.06.2025
(½)

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. The Principal District and Sessions Judge,
Thiruvarur
2. The Judicial Magistrate No.I,
Mannargudi.

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02.06.2025
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