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Crl.M.P No.14578 of 2025 in
Crl.R.C.No.1234 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2025

CORAM:

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

Crl.M.P.No.14578 of 2025
in
Crl.R.C.No. 1234 of 2025

D.Vijayakumar
S/o. Mr.Durai Singam,
21, Banu Nagar East, 5th Street,
Pudur, Ambattur, Chennai – 600 053

.... Petitioner

Vs

A.Rajesh
S/o. M.Arumugam
No.F2, AR Emerald Apartments, Plot No.6B,
Annai Parasakthi Nagar, Kadappa Road,
Chennai – 600 099.

and Temporarily working at
Commercial Bank of Dubai
P.O.Box 26698, 1st Floor Bur Dubai,
Dubai, UAE.
Rep. by his Power of Attorney Agent
H.Balamurugan
S/o. Harinathan,
Plot No.12, Door No.17, 2nd Layout,
2nd Main Road, Teachers Colony,
Kolathur, Chennai – 600 099.

.... Respondent



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PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence of conviction for 6 months in the order dated 21.02.2025 in C.A.No.253/2025 passed by the learned XVI Additional Sessions Judge, City Civil Court, Chennai as confirming the order in S.T.C.No.5013/2021 dated 11.03.2024 passed by the learned Metropolitan Magistrate, FTC-I, Egmore @ Allikulam, Chennai.

For Petitioner : Mr.N.Ganesh

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, to suspend the sentence of conviction for 6 months in the order dated 21.02.2025 in C.A.No.253/2025 passed by the learned XVI Additional Sessions Judge, City Civil Court, Chennai as confirming the order in S.T.C.No.5013/2021 dated 11.03.2024 passed by the learned Metropolitan Magistrate, FTC-I, Egmore @ Allikulam, Chennai.

2. The petitioner herein is the accused in S.T.C.No.5013/2021 dated 11.03.2024 passed by the learned Metropolitan Magistrate, FTC-I, Egmore @ Allikulam, Chennai. He was found guilty of the offence under



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Section 138 of the Negotiable Instruments Act and he has been convicted and sentenced to undergo simple imprisonment for a period of six months and to pay a compensation of Rs.72,00,000/- to the complainant, in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a period of two months. Aggrieved by the same, the petitioner had filed appeal in Crl.A No.253 of 2024 and the learned XVI Additional Sessions Judge, City Civil Court, Chennai, by order dated 21.02.2025, dismissed the above appeal confirming the judgment and sentence imposed by the Trial Court. Aggrieved by the same, the present revision has been filed.

3. 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. He would submit that the petitioner is ready to abide the condition imposed by this Court.



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

5. Considering the fact that the petitioner has raised substantial grounds in the above revision, which requires consideration, this Court is inclined to grant suspension of sentence, on the following conditions, till the disposal of the above Criminal Revision:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit the entire cheque amount, after deducting the amount which was already deposited by the petitioner, if any, to the credit of S.T.C.No.5013/2021 on the file of learned Metropolitan Magistrate, FTC-I, Egmore @ Allikulam, Chennai, within a period of four weeks from today.

(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;



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(iii) Thereafter, the sentence of imprisonment alone, imposed on the petitioner/accused shall be suspended, on his executing a bond for a sum of Rs.25,000/- 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 every English Calendar month at 10.30 a.m., until the disposal of the revision petition and if he is not able to appear before the trial Court on any day, he 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 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



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undergoing the sentence.

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

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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



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G.K.ILANTHIRAIYAN, J.

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