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Crl.M.P No.8906 of 2025 in
Crl.R.C.No.574 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.8906 of 2025
in
Crl.R.C.No. 574 of 2025

A. Narayanan

... Petitioner

Versus

Mr. Praful H. Bhandari

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence made in C.C.No.6883 of 2017 on the file of the Metropolitan Magistrate, Fast Track Court-II, Allikulam, Egmore, Chennai, dated 31.10.2023 and the same was confirmed by the Lower Appellate Court made in C.A.No.731 of 2023 on the file of the XX-Additional City Civil Court, Allikulam, dated 31.01.2025 till the disposal of the above Criminal Revision, and enlarge the petitioner on bail.

For Petitioner : Mr. R. Dhamodaran



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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 Metropolitan Magistrate, Fast Track Court-II, Egmore, Chennai in C.C.No.6883 of 2017 dated 31.10.2023, which was confirmed by the learned XX-Additional City Civil Court, Allikulam in C.A.No.731 of 2023 dated 31.01.2025, and to enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner is the accused in C.C.No.6883 of 2017 on the file of the learned Metropolitan Magistrate, Fast Track Court-II, Egmore, Chennai. He was found guilty of the offence under Section 138 of the Negotiable Instruments Act, 1881, and he has been convicted and sentenced to undergo simple imprisonment for a period of six months and directed him to pay the cheque amount of Rs.5,70,000/- (Rupees Five Lakhs Seventy Thousand only) as compensation, in default, the petitioner shall undergo a simple imprisonment for a further period of two months as default sentence. Aggrieved by the same, the petitioner had filed an appeal in C.A.No.731 of 2023 before the XX-Additional City Civil Court, Allikulam, and the learned XX-Additional City Civil Court Judge, by order dated 31.01.2025, had dismissed the said appeal,



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confirming the judgement and sentence imposed by the Trial Court. Aggrieved
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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 any condition to be imposed by this Court.

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

5. Considering the submissions of the learned counsel for the petitioner, coupled with the quantum of punishment imposed upon the petitioner 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,



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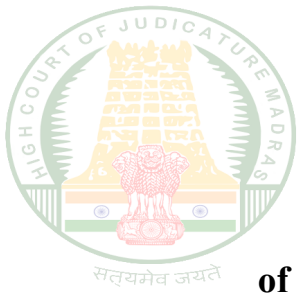
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the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) the petitioner shall deposit the entire cheque amount, i.e. Rs.5,70,000/- (Rupees Five Lakhs Seventy Thousand only), after deducting the amount which has been already deposited by the petitioner, if any, to the credit of C.C.No.6883 of 2017 on the file of learned Metropolitan Magistrate, Fast Track Court-II, Allikulam, Egmore, Chennai, within a period of four weeks from today. Failing which, the order passed by this Court shall stand automatically cancelled.

(ii) On such deposit being made, the Trial Court shall re-deposit 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) 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.

(iv) On the petitioner depositing the amount as stated clause (i) supra, the sentence of imprisonment alone, imposed on the petitioner/accused, shall be suspended, on his execution



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**of a bond for a sum of Rs.25,000/- with two sureties, each for a
likesum to the satisfaction of the Trial Court;**

(v) 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;

(vi) 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;

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

**29.07.2025
(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. The XX-Additional City Civil Court, Allikulam.
2. The Metropolitan Magistrate, Fast Track Court-II,
Allikulam, Egmore, Chennai.

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