



WEB COPY



Crl.M.P No.13553 of 2025 in
Crl.R.C.No.1038 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2025

CORAM:

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

Crl.M.P.No.13553 of 2025
in
Crl.R.C.No. 1038 of 2025

Elangovan
S/o. Perumal
Amaravathy Co.Op. Soceity, Jayankondam Branch,
Opposite Police Station,
Jayankondam,
Udayarpalayam Taluk, Ariyalur District. Petitioner

Vs

Venugopal
S/o. Vengatachala Reddiar,
Door No.142, Madana Gopalapuram,
Perambalur Taluk, Perambalur District. Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed by order dated 19.12.2024 made in Crl.A.No.16 of 2023 passed by the Principal District and Sessions Judge, Perambalur District, confirming the order dated 05.07.2023 made in C.C.No.339 of 2022 passed by Judicial Magistrate No.1, Perambalur, Perambalur District and grant bail to the



Crl.M.P No.13553 of 2025 in
Crl.R.C.No.1038 of 2025

WEB COPY

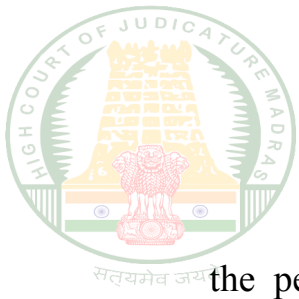
petitioner, pending the Criminal Revision Petition.

For Petitioner : Mr.Senthilnathan

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend the sentence imposed by an order dated 19.12.2024 made in Crl.A.No.16 of 2023 passed by the Principal District and Sessions Judge, Perambalur District, confirming the order dated 05.07.2023 made in C.C.No.339 of 2022 passed by Judicial Magistrate No.1, Perambalur, and grant bail to the petitioner, pending the Criminal Revision Petition.

2. The petitioner herein is the accused in C.C No.339 of 2022 on the file of the learned Judicial Magistrate No.1, Perambalur. He was found guilty of the offence under 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.15,00,000/- to the complainant under Section 357(3) of Cr.P.C within a period of two months, in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a period of two months. Aggrieved by the same,



Crl.M.P No.13553 of 2025 in
Crl.R.C.No.1038 of 2025

WEB COPY

the petitioner had filed appeal in Crl.A No.16 of 2023 and the learned Principal District and Sessions Judge, Perambalur District, by a judgment dated 19.12.2024 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.

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



Crl.M.P No.13553 of 2025 in
Crl.R.C.No.1038 of 2025

WEB COPY

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 50% of the cheque amount, **i.e. Rs.7,50,000/- (Rupees Seven Lakh Fifty Thousand only)** to the credit of C.C No.339 of 2022 on the file of the learned Judicial Magistrate No.1, Perambalur, 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;

(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



WEB COPY



Crl.M.P No.13553 of 2025 in
Crl.R.C.No.1038 of 2025

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 undergoing the sentence.

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

bkn

10.07.2025
(2/2)



WEB COPY



Crl.M.P No.13553 of 2025 in
Crl.R.C.No.1038 of 2025

G.K.ILANTHIRAIYAN, J.

bkn

To

1. The Principal District and Sessions Judge, Perambalur District
2. The Judicial Magistrate No.1, Perambalur

Crl.M.P.No.13553 of 2025
in
Crl.R.C.No. 1038 of 2025

10.07.2025
(2/2)