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Crl.M.P No.10952 of 2025 in
Crl.R.C.No.750 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2025

CORAM:

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

Crl.M.P.No.10952 of 2025
in
Crl.R.C.No. 750 of 2025

N.Gowri
W/o. late Narayanasamy,
No.13/3, 47th Street,
Korattur,
Chennai – 600 080.

...

Petitioner

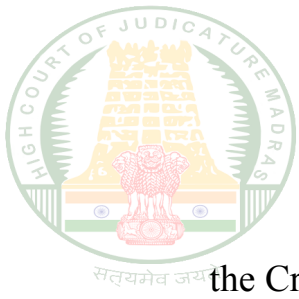
Vs

A.Bharathy,
S/o. Arunachalam,
No.L-41/8, Centre Avenue,
Korattur, Ambattur,
Chennai – 600 080.

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Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence of imprisonment imposed by the V Additional Sessions Judge at Chennai in Crl.A.No.755 of 2023 dated 29.01.2025 in confirming the order passed by the Metropolitan Magistrate, Fast Track Court – 1, Egmore @ Allikulam, Chennai in S.T.C.No.4767 of 2022 dated 03.11.2023 pending disposal of



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the Criminal revision and enlarge the petitioner on bail.
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For Petitioner : Mr.D.Ashok Kumar

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed by the V Additional Sessions Judge at Chennai in Crl.A.No.755 of 2023 dated 29.01.2025 confirming the order passed by the Metropolitan Magistrate, Fast Track Court – 1, Egmore @ Allikulam, Chennai in S.T.C.No.4767 of 2022 dated 03.11.2023, pending disposal of the Criminal revision.

2. The petitioner herein is the accused in STC.No.4767 of 2022 on the file of the Metropolitan Magistrate, Fast Track Court – 1, Egmore @ Allikulam, Chennai. She was found guilty of the offence under Section 138 of the Negotiable Instruments Act and she has been convicted and sentenced to undergo simple imprisonment for a period of one year and to pay the cheque amount as compensation within a period of one month and in default to undergo three months of simple imprisonment. Aggrieved by the same, the petitioner had filed appeal in C.A No.755 of 2023 and the learned V



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Additional Sessions Judge, Chennai, by a judgment dated 29.01.2025 had dismissed the above appeal. 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 inclined to grant suspension of sentence on the following conditions, till the disposal of the above Criminal Revision:



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(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit the entire cheque amount deducting the amount paid already, if any, to the credit of STC.No.4767 of 2022 on the file of the Metropolitan Magistrate, Fast Track Court – 1, Egmore @ Allikulam, Chennai, within a period of four weeks from today (i.e.16.06.2025)

(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 her 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;



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(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 she 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 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.

16.06.2025

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 Metropolitan Magistrate, Fast Track Court – 1, Egmore @
Allikulam, Chennai
2. The V Additional Sessions Judge, City Civil Court, Chennai.

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