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Crl.M.P No.14512 of 2025 in  
Crl.R.C.No.1218 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.14512 of 2025  
in  
Crl.R.C.No. 1218 of 2025

Sivakumar  
S/o. Natarajan  
Hari Builders and Promoters  
No.134, 7<sup>th</sup> Cross Extension  
Amarar Jeevanandham Road,  
Gandhipuram,  
Coimbatore – 641 027.

....

Petitioner

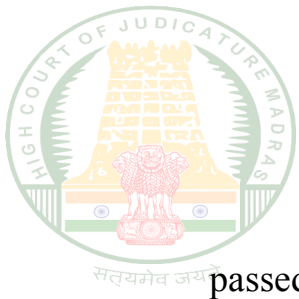
Vs

T.Perumalakkal,  
W/o. Thavasi  
Door No.106, Ponnurangam Road West,  
R.S.Puram,  
Coimbatore.

....

Respondent

**PRAYER:** Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the substantial portion of the sentence imposed in the judgment dated 20.03.2025 made in Criminal Appeal No.382 of 2023 on the file of the IV Additional District and Sessions Judge, Coimbatore confirming the judgment dated 22.11.2023



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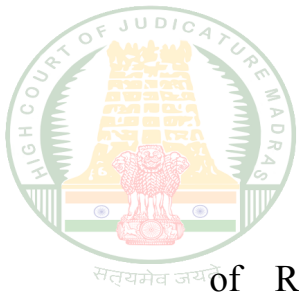
passed in C.C.No.810 of 2019 on the file of the Judicial Magistrate, Fast Track Court No.II, Coimbatore, pending disposal of the present Criminal Revision Case.

For Petitioner : Mr.V.Karthikeyan  
for Mr.S.Sivasubramani

**ORDER**

This Criminal Miscellaneous Petition has been filed by the petitioners, to suspend the sentence imposed in the judgment dated 20.03.2025 made in Criminal Appeal No.382 of 2023 on the file of the IV Additional District and Sessions Judge, Coimbatore confirming the judgment dated 22.11.2023 passed in C.C.No.810 of 2019 on the file of the Judicial Magistrate, Fast Track Court No.II, Coimbatore, pending disposal of the present Criminal Revision Case.

2. The petitioners herein is the accused in C.C.No.810 of 2019 on the file of the Judicial Magistrate, Fast Track Court No.II, Coimbatore. 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 nine months and to pay a compensation



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of Rs.30,00,000/- to the complainant, in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a period of one month as default sentence. Aggrieved by the same, the petitioners had filed appeal in Crl.A No.382 of 2023 and the learned IV Additional District and Sessions Judge, Coimbatore, by order dated 20.03.2025, 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 petitioners/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.



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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 C.C.No.810 of 2019 on the file of the Judicial Magistrate, Fast Track Court No.II, Coimbatore, 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



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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 undergoing the sentence.



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ordered.

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

29.07.2025

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

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1. The Judicial Magistrate, Fast Track Court No.II, Coimbatore.
2. The IV Additional District and Sessions Judge, Coimbatore.



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**G.K.ILANTHIRAIYAN, J.**

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