



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.Nos.21176 & 21174 of 2025
in Crl.R.C.No.2344 of 2025**

1.M/s.Emmaus Institute For Development,
Represented by its Manager,
T.J.P.S. Vardhan,
(W) B5F1, Vijayanagar Colony,
Hyderabad – 57 (AP)

2.T.J.P.S.Vardhan

3.Mrs.T.Nanda Vardhan

...Petitioners in both Crl.M.Ps

Versus

Dr.R.Rangarajan

...Respondent in both Crl.M.Ps

Prayer in Crl.M.P.No.21176 of 2025 in Crl.R.C.No.2344 of 2025.:

This Criminal Miscellaneous Petition is filed under Section 438 of BNSS praying to suspend the sentence imposed on the petitioners in pursuance of the order of dismissal pronounced by the II Additional District



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& Sessions Judge, Thiruvallur @ Poonamallee made in Crl.A.No.213 of 2018 dated 31.01.2025 confirming the judgment passed by learned Judicial Magistrate, Fast Track Court, Magisterial Level, Ambattur in S.T.C.No.104 of 2016 dated 08.11.2018 by allowing this Criminal Miscellaneous Petition and enlarge the petitioners on bail.

Prayer in Crl.M.P.No.21174 of 2025 in Crl.R.C.No.2344 of 2025:

This Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023 praying to exempt the petitioner from surrendering in pursuance of the order of dismissal pronounced by the II Additional District & Sessions Judge, Thiruvallur @ Poonamallee made in Crl.A.No.213 of 2018 dated 31.01.2025 confirming the Judgment passed by learned Judicial Magistrate, Fast Track Court, Magisterial Level, Ambattur in S.T.C.No.104 of 2016 dated 08.11.2018 by allowing this Criminal Miscellaneous Petition.

For Petitioners in both Crl.M.Ps: Mr.R.John Sathyan
for Mr.P.Divakar

COMMON ORDER

The Criminal Miscellaneous Petition No.21176 of 2025 has been filed by the Petitioners seeking to suspend the sentence of imprisonment imposed on them by the learned Judicial Magistrate, Fast Track Court, Magisterial



Level, Ambattur vide Judgment dated 08.11.2018 in S.T.C.No.104 of 2016

which was confirmed by the learned II Additional District and Sessions Judge, Thiruvallur at Poonamallee vide Judgment dated 31.01.2025 in CrI.A.No.213 of 2018 and enlarge them on bail pending disposal of the present Criminal Revision Petition.

2. The Criminal Miscellaneous Petition No.21174 of 2025 has been filed by the Petitioners seeking to exempt them from surrendering in pursuance of Judgment dated 31.01.2025 in CrI.A.No.213 of 2018 passed by the II Additional District and Sessions Judge, Thiruvallur at Poonamallee confirming the Judgment dated 08.11.2018 in S.T.C.No.104 of 2016 passed by the learned Judicial Magistrate, Fast Track Court, Magisterial Level, Ambattur.

3. The Petitioners are Accused Nos.1 to 3 on the file of S.T.C.No.104 of 2016 on the file of Fast Track Court (Magisterial Level), Ambattur. The



Petitioners/Accused Nos.1 to 3 were found guilty under Section 255(2) of

Cr.P.C for the offence under Section 138 of Negotiable Instruments Act,

1881. Therefore, the Trial Court vide Judgment dated 08.11.2018 in

S.T.C.No.104 of 2016, convicted the Petitioners/Accused Nos.1 to 3 and

sentenced the 2nd Petitioner/Accused No.2 to undergo 7 months simple

imprisonment and directed the Petitioners/Accused Nos.1 to 3 to pay a sum

of Rs.30,00,000/- as compensation to Respondent/Complainant, within two

months from the date of judgment, in default, 2nd Petitioner/Accused No.2

shall undergo 1 month simple imprisonment. Aggrieved by the said

conviction and sentence, Petitioners/Accused Nos.1 to 3 had preferred

Criminal Appeal No.213 of 2018 before the II Additional District and

Sessions Court, Thiruvallur at Poonamallee. The 1st Appellate Court vide

Judgment dated 31.01.2025, dismissed the said Criminal Appeal and

confirmed the judgment of the Trial Court. Hence, Petitioners/Accused

Nos.1 to 3 have filed the present Criminal Revision Case.



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4. The learned counsel for Petitioners/Accused Nos.1 to 3 submitted that there is no legally enforceable debt payable to Respondent/Complainant by Petitioners/Accused Nos.1 to 3. He further submitted that Petitioners 1 & 2/Accused Nos.1 & 2 had issued a blank cheque to said Palani Murugan Education Trust and the same was used by the Respondent/Complainant. However, the said Trust is not a party herein.

4.1. It is the contention of learned counsel for Petitioners/Accused Nos.1 to 3 that Respondent/Complainant is not a chairman or founder of aforesaid Palani Murugan Educational Trust. The said Palani Murugan Educational Trust is a separate entity and the Respondent/Complainant is the separate entity.



4.2. The learned counsel for Petitioners/Accused Nos.1 to 3 also submitted that Petitioners/Accused Nos.1 to 3 have a fair chance of succeeding in the Criminal Revision Case and Petitioners/Accused Nos.1 to 3 are ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on Petitioners/Accused Nos.1 to 3 may be suspended.

5. Considering the submissions made by learned counsel for Petitioners/Accused Nos.1 to 3 coupled with the quantum of punishment imposed on 2nd Petitioner/Accused No.2 and taking into consideration of the fact that the Criminal Revision is not likely to be taken up for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment alone.

6. Accordingly, till the disposal of Criminal Revision Case, the reliefs



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

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(i) The Petitioners/Accused Nos.1 to 3 shall jointly deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only), to the credit of S.T.C.No.104 of 2016 on the file of Fast Track Court (Magisterial Level), Ambattur, within a period of four weeks from the date of receipt of a copy of this order, failing which, this order shall stand automatically cancelled.

(ii) If Petitioners/Accused Nos.1 to 3 fail to deposit the aforesaid amount, it is open to the Trial Court to commit 2nd Petitioner/Accused No.2 into custody for undergoing the sentence.

(iii) The sentence of imprisonment imposed on 2nd Petitioner/Accused No.2 shall be suspended on condition that he shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (out of which, one surety should be blood surety), each for a likesum to the satisfaction of learned Judicial Magistrate, Fast Track Court, Magisterial Level, Ambattur;

(iv) The 2nd Petitioner/Accused No.2 and the sureties shall affix their photographs and Left Thumb Impressions in the



surety bonds and the Trial Court may obtain a copy of their Aadhaar Card or Bank Pass Book and their mobile numbers to ensure their identity;

(v) The 2nd Petitioner/Accused No.2 and 3rd Petitioner/Accused No.3 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 Criminal Revision Case and if they are not able to appear before the Trial Court on any day, they 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 their absence, as directed by the Trial Court.

7. On aforesaid deposit of Rs.5,00,000/- being made by the Petitioners/Accused Nos.1 to 3 in S.T.C.No.104 of 2016 on the file of Fast Track Court (Magisterial Level), Ambattur, Respondent/Complainant is permitted to withdraw the said amount, on proper identification, in the manner known to law.



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No.21176 of 2025 is allowed. Consequently, Criminal Miscellaneous

Petition No.21174 of 2025 is closed.

26.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

1.The Judicial Magistrate,
Fast Track Court, Magisterial Level,
Ambattur.

9/9



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2.The II Additional District and Sessions Judge,
Thiruvallur, Poonamallee.

3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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