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Crl.MP.No.12867 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2025

CORAM:

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

Crl.M.P.No.12867 of 2025

in

Crl.RC.No.963 of 2025

Sujatha

...Petitioner

Vs.

V.Hemavathy

Represented by her Power Agent Dr.V.Sriprakash

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C./430(1) of BNSS, 2023, praying to suspend the sentence imposed by the learned Fast Track Court-II, Metropolitan Magistrate, Allikulam, Chennai in STC.No.4961 of 2021 on 24.04.2024 and confirmed by the XVIII Additional City Civil Court, Chennai in Crl.Appeal No.380 of 2024 on 23.01.2025 during the pendency of the criminal revision petition.

For Petitioner : Mr.S.Senthil Kumar

ORDER

This Criminal Miscellaneous Petition has been filed praying to suspend the sentence imposed by the learned Fast Track Court-II, Metropolitan Magistrate, Allikulam, Chennai in STC.No.4961 of 2021 on



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24.04.2024, which was confirmed by the XVIII Additional City Civil Court, Chennai in Crl.Appeal No.380 of 2024 on 23.01.2025 during the pendency of the criminal revision petition.

2. The petitioner herein is the accused in STC.No.4961 of 2021 on the file of the learned Fast Track Court-II, Metropolitan Magistrate, Allikulam, Chennai. He was found guilty of the offence under Section 138 of the Negotiable Instruments Act and she was convicted and sentenced to undergo simple imprisonment for a period of six months and to pay compensation of Rs.1,48,600/- being the cheques amount, in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a period of two months. Aggrieved by the same, the petitioner had filed appeal in Crl.Appeal No.380 of 2024. However, the learned XVIII Additional City Civil Court, Chennai, by order dated 23.01.2025, confirmed the judgment of the trial court, against which criminal revision has been filed along with the present petition.

3. The learned counsel for the petitioner/accused would submit



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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:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit the entire cheque amount, **i.e. Rs.1,48,000/- (Rupees One Lakh and Forty Eight Thousand only)** after deducting the amount which was already deposited by the petitioner, if any, to the credit of STC.No.4961 of 2021 on the file of the learned Fast Track Court-II, Metropolitan



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Magistrate, Allikulam, Chennai, 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 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;

(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



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petition and if she is not able to appear before the trial Court on any day, she 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 her 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.

04.07.2025
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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 learned Fast Track Court-II, Metropolitan Magistrate, Allikulam,
Chennai
- 2.The learned XVIII Additional City Civil Court, Chennai

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in
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