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CRL MP No. 10085 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-05-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

**CRL MP No. 10085 of 2025
in CRL RC No.618 of 2025**

Dhanasekaran

..Petitioner

Vs.

P.Nandhakumar

..Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, praying to suspend the sentence imposed in the judgment dated 30.09.2024 made in Crl.A.No.38 of 2024 on the file of the II Additional Sessions Court, Tiruchengode and confirming the judgment in S.T.C.No.124 of 2020 dated 23.11.2023 on the file of the Judicial Magistrate (FTC), Tiruchengode to undergo two months simple imprisonment under Section 255(2) of Cr.P.C and to pay a compensation of Rs.3,00,000/- (Rupees Three Lakhs Only) i.e., the amount due open the cheque, to the complainant within a period of one month under Section 357(3) of the Code of Criminal Procedure and in default to undergo simple imprisonment for one month is made and enlarge the petitioner on bail pending disposal of the criminal revision petition.

For Petitioner	:	Mr.S.Viswanathan
For Respondent	:	Mr.V.M.Venkataramana

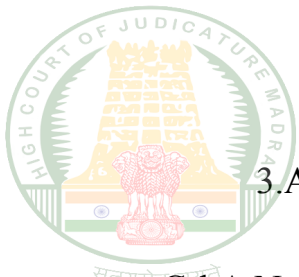


ORDER

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This Criminal Miscellaneous Petition has been filed, seeking to suspend the sentence imposed on the petitioner by the judgment dated 30.09.2024 made in Crl.A.No.38 of 2024 on the file of the II Additional Sessions Court, Tiruchengode, confirming the judgment in S.T.C.No.124 of 2020 dated 23.11.2023 on the file of the Judicial Magistrate (FTC), Tiruchengode, and enlarge the petitioner on bail pending disposal of the criminal revision petition.

2.The petitioner/Accused in S.T.C.No.124 of 2020, was convicted by the trial Court by the judgment dated 23.11.2023 for the offence punishable under Section 138 of Negotiable Instrument Act, and sentenced to undergo two months simple imprisonment under Section 255(2) of Cr.P.C and to pay a compensation of Rs.3,00,000/- (Rupees Three Lakhs Only) i.e., the amount due upon the cheque, to the complainant within a period of one month under Section 357(3) of the Code of Criminal Procedure and in default to undergo simple imprisonment for one month.

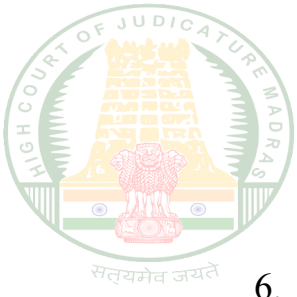


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3. Aggrieved by the said conviction, the petitioner preferred an appeal in CrI.A.No.38 of 2024 before the II Additional Sessions Court, Tiruchengode, who in turn vide judgment dated 30.09.2024, confirmed the conviction and sentence passed by the trial Court. Challenging the same, the petitioner has come forward with the present Criminal Revision.

4. During the trial, the respondent/complainant examined himself as P.W.1 and marked Exs.P1 to P5 and on behalf of the petitioner/accused no witnesses were examined and no documents were marked. On conclusion of the trial, the trial Court, on consideration of the entire evidence let in by the parties, allowed S.T.C.No.124 of 2020 and convicted and sentenced the petitioner/accused, which came to be confirmed in the appeal preferred by the petitioner/accused.

5. The learned counsel for the petitioner/accused would submit that during pendency of the revision the petitioner had paid a sum of Rs.1,60,000/- to the respondent/complainant and pending the revision, prays for suspending the sentence.

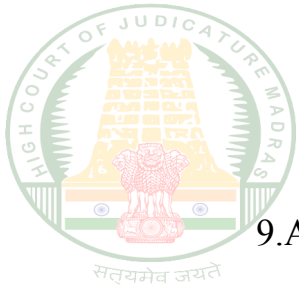


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6. Considering the submissions made by the learned counsel for the petitioner and the substantial grounds raised in the revision, which requires consideration, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

7. Accordingly, the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the revision and he is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the trial Court.

8. Further, the petitioner shall appear before the Trial Court once in three months at 10.30 a.m. on the first working day of the month, until the disposal of the revision and if he is not able to appear before the Trial Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C. 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.



9. Accordingly, this Criminal Miscellaneous Petition is ordered.

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16-05-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The II Additional Sessions Court, Tiruchengode.
2. The Judicial Magistrate (FTC), Tiruchengode.
3. The Superintendent
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras,
Madras.



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M.NIRMAL KUMAR J.

gbi/jai

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