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Crl.M.P No.12625 of 2025 in  
Crl.R.C.No.948 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2025

CORAM:

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

Crl.M.P.No.12625 of 2025  
in  
Crl.R.C.No. 948 of 2025

A.Dhanapal  
S/o. Arunachalam,  
No.64, Mariamman Koil Street,  
K.V.Palayam, Sathyamangalam,  
Erode District.

...

Petitioner

Vs

D.K.Manoharan,  
S/o. Krishna Chettiyar  
No.31-H, Bogaiyan Layout,  
Karamadai Road, Mettupalayam,  
Coimbatore District.

...

Respondent

**PRAYER:** Criminal Miscellaneous Petition filed under Section 430 (i) of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail and suspend the sentence imposed by the V Additional District and Sessions Judge at Coimbatore in Crl.A.No.309 of 2019 dated 27.04.2023 confirming the judgment passed by the Judicial Magistrate, Fast Track Court Level 2 at Coimbatore in C.C.No.962 of 2017 dated 09.05.2019.



Crl.M.P No.12625 of 2025 in  
Crl.R.C.No.948 of 2025

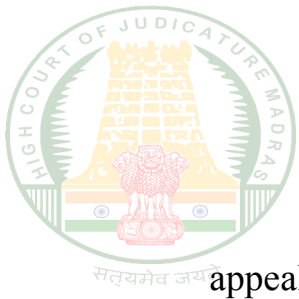
For Petitioner : Mr.S.Parthasarathy

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**ORDER**

This Criminal Miscellaneous Petition has been filed to enlarge the petitioner on bail and suspend the sentence imposed by the V Additional District and Sessions Judge at Coimbatore in Crl.A.No.309 of 2019 dated 27.04.2023 confirming the judgment passed by the Judicial Magistrate, Fast Track Court Level 2 at Coimbatore in C.C.No.962 of 2017 dated 09.05.2019.

2. The petitioner herein is the accused in C.C.No.962 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court Level 2, 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 six months and to pay a compensation of Rs.4,50,000/- with 6% interest to the complainant, within a period of one month in default to undergo three months simple imprisonment. Aggrieved by the same, the petitioner had filed appeal in C.A No.309 of 2019 and the learned V Additional District and Sessions Judge at Coimbatore by a judgment dated 27.04.2023 had dismissed the above



Crl.M.P No.12625 of 2025 in  
Crl.R.C.No.948 of 2025

WEB COPY

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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Crl.M.P No.12625 of 2025 in  
Crl.R.C.No.948 of 2025

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit 25% of the cheque amount to the credit of C.C.No.962 of 2017 on the file of the Judicial Magistrate (Fast Track Court) Magisterial Level-2, Coimbatore.

(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 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



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Crl.M.P No.12625 of 2025 in  
Crl.R.C.No.948 of 2025

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.

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

01.07.2025

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Crl.M.P No.12625 of 2025 in  
Crl.R.C.No.948 of 2025

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

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To

1. The V Additional District and Sessions Judge, Coimbatore.
2. The Judicial Magistrate, Fast Track Court Level 2, Coimbatore
3. The Superintendent, Central Prison, Coimbatore.

Crl.M.P.No.12625 of 2025  
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Crl.R.C.No. 948 of 2025

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