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Crl.M.P No.13939 of 2025 in  
Crl.R.C.No.1094 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2025

CORAM:

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

Crl.M.P.No.13939 of 2025  
in  
Crl.R.C.No. 1094 of 2025

S.Deephak

Vs

.... Petitioner

K.Ashok

.... Respondent

**PRAYER:** Criminal Miscellaneous Petition filed under Sections 438(1) & 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence of imprisonment imposed in the judgment dated 17.04.2025 made in C.A.No.465 of 2024 on the file of the learned XVIII Additional Judge, City Civil Court, Chennai confirming the conviction imposed in judgment dated 04.06.2024 made in C.C.No.6259 of 2019 on the file of the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam and enlarge the petitioner on bail pending disposal of the above revision petition.

For Petitioner : Mr.Jesus Moris Ravi



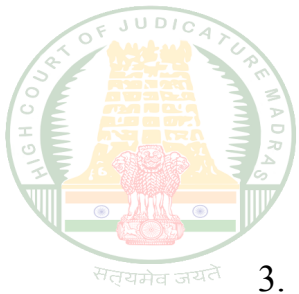
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## **ORDER**

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed in the judgment dated 17.04.2025 made in C.A.No.465 of 2024 on the file of the learned XVIII Additional Judge, City Civil Court, Chennai confirming the conviction imposed in judgment dated 04.06.2024 made in C.C.No.6259 of 2019 on the file of the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam and enlarge the petitioner on bail pending disposal of the above revision petition.

2. The petitioner herein is the accused in C.C No. 6259 of 2019 on the file of the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore. The petitioner was found guilty of the offence under Section 138 of the Negotiable Instruments Act and the petitioner has been convicted is sentenced to undergo simple imprisonment for a period of six months and to pay compensation of Rs.1,50,000/-, in default to undergo a simple imprisonment for a period of two months. Aggrieved by the same, the petitioner had filed an appeal in C.A No.465 of 20240 and the learned XVIII Additional Judge, City Civil Court, chennai by order dated 17.04.2025, had dismissed the above appeal, confirming the judgment and sentence imposed by the trial Court. Aggrieved by the same, the present revision has been filed.



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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 any condition to be imposed by this Court.

4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. Considering the submissions of the learned counsel for the petitioners, coupled with the quantum of punishment imposed upon the petitioner and taking into consideration the fact that this criminal revision is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on the following conditions:



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(i) the petitioner shall deposit the entire compensation amount, i.e. Rs.1,50,000/- (Rupees One Lakh fifty thousand only), after deducting the amount which was already deposited by the petitioner, if any, to the credit of CC.No.6259 of 2019 on the file of learned Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam within a period of four weeks from today. Failing which, the order passed by this Court shall stand automatically cancelled.

(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) 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.

(iv) On the petitioner depositing the amount as stated clause (i) supra, the sentence of imprisonment alone, imposed on the petitioner/accused, shall be suspended, on his execution of a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;



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(v) 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;

(vi) 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;

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

17.07.2025  
(2/2)

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

ssd



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

ssd

To

1. The XVIII Additional Judge,  
City Civil Court, Chennai
2. The Metropolitan Magistrate, Fast Track Court No.II,  
Egmore @ Allikulam

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in  
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