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Crl.M.P.No.15739 of 2025 in
Crl.R.C.No.1485 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2025

CORAM:

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

Crl.M.P.No.15739 of 2025
in
Crl.R.C.No. 1485 of 2025

Mr.Rajkumar Santhoshi,
Bungalow No4/N, Arshie Company,
Off Yari Road, Versovar, Andheri (W),
Mumbai.

....Petitioner

Vs

Nirmal Kumar Maheshwari

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the petitioner by a judgement dated 27.02.2025 made in Crl.A.No.245 of 2023 on the file of the XVI Additional Sessions Judge, City Civil Court, Chennai confirming the judgement dated 11.04.2023 made in C.C.No.4948 of 2015 on the file of the Fast Track Court No.III, Metropolitan Magistrate, Saidapet, Chennai -15 pending disposal of the Criminal Revision.

For Petitioner : Mr.N.Manokaran
for Mr.Prashanth Nadaraj B



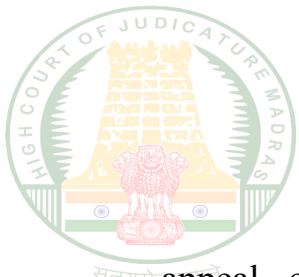
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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed on the petitioner by a judgement dated 27.02.2025 made in Crl.A.No.245 of 2023 on the file of the XVI Additional Sessions Judge, City Civil Court, Chennai confirming the judgement dated 11.04.2023 made in C.C.No.4948 of 2015 on the file of the Fast Track Court No.III, Metropolitan Magistrate, Saidapet, Chennai -15 pending disposal of the Criminal Revision.

2. The petitioner herein is the accused in C.C.No.4948 of 2015 on the file of the learned Fast Track Court No.III, Metropolitan Magistrate, Saidapet, Chennai -15. 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 of six months under Section 255(2) of Cr.P.C and ordered him to pay the cheque amount as compensation to the respondent herein under Section 357(3) of Cr.P.C in default to undergo one month simple imprisonment. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.245 of 2023 and the learned XVI Additional Sessions Judge, City Civil Court, Chennai by order dated 27.02.2025, had dismissed the above



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appeal, confirming the judgment and sentence imposed by the trial Court.
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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 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 petitioner, 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,



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

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit the 50% of the cheque amount, after deducting the amount which was already deposited by the petitioner, if any, to the credit of C.C.No.4948 of 2015 on the file of learned Fast Track Court No.III, Metropolitan Magistrate, Saidapet, Chennai -15, 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



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for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;

(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.

29.08.2025

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

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G.K.ILANTHIRAIYAN, J.

Sma

To

1. The XVI Additional Sessions Judge, City Civil Court, Chennai
2. Fast Track Court No.III, Metropolitan Magistrate, Saidapet, Chennai -15

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