



WEB COPY



Crl.M.P No.15864 of 2025 in
Crl.R.C.No.1509 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2025

CORAM:

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

Crl.M.P.No.15864 of 2025
in
Crl.R.C.No. 1509 of 2025

R.Gunasekaran ... Petitioner

Vs

A.Nataraj ... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the Revision Petitioner by the learned Judicial Magistrate Fast Track Court No.1 @ Magistrate Level, Coimbatore in C.C.No.663 of 2017 dated 25.02.2021 as confirmed by the appellate court in Crl.A.No.99 of 2021 dated 22.09.2022 on the file of the III Additional District and Sessions Judge, Coimbatore pending disposal of the above Criminal Revision Petition on the file of this Court.



WEB COPY



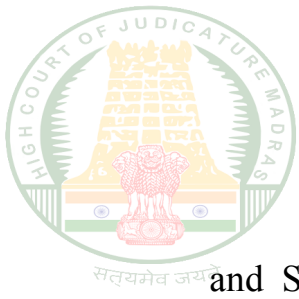
Crl.M.P No.15864 of 2025 in
Crl.R.C.No.1509 of 2025

For Petitioner : Ms.P.Sobiya
For Respondent : Mr.M.Praveen Kumar

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the Revision Petitioner by the learned Judicial Magistrate Fast Track Court No.1 @ Magistrate Level, Coimbatore in C.C.No.663 of 2017 dated 25.02.2021 as confirmed by the appellate court in Crl.A.No.99 of 2021 dated 22.09.2022 on the file of the III Additional District and Sessions Judge, Coimbatore pending disposal of the above Criminal Revision Petition on the file of this Court.

2. The petitioner herein is the accused in C.C.No.663 of 2017 on the file of the learned Judicial Magistrate Fast Track Court No.1 @ Magistrate Level, 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.7,00,000/- to the complainant, in default to undergo two months simple imprisonment. Aggrieved by the same, the petitioner had filed an appeal in C.A No.99 of 2021 and the learned III Additional District



Crl.M.P No.15864 of 2025 in
Crl.R.C.No.1509 of 2025

WEB COPY

and Sessions Judge, Coimbatore, by the judgment dated 22.09.2022 has dismissed the above 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:



WEB COPY



Crl.M.P No.15864 of 2025 in
Crl.R.C.No.1509 of 2025

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit the entire cheque amount of Rs.7,00,000/-, deducting the amount deposited already, if any, to the credit of C.C.No.663 of 2017 on the file of the learned Judicial Magistrate Fast Track Court No.1 @ Magistrate Level, Coimbatore, 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 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;



WEB COPY



Crl.M.P No.15864 of 2025 in
Crl.R.C.No.1509 of 2025

(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 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.

20.08.2025

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

G.K.ILANTHIRAIYAN, J.



WEB COPY



Crl.M.P No.15864 of 2025 in
Crl.R.C.No.1509 of 2025

bkn

To

1. The Judicial Magistrate Fast Track Court No.1 @ Magistrate Level,
Coimbatore
2. The III Additional District and Sessions Judge, Coimbatore.

Crl.M.P.No.15864 of 2025
in
Crl.R.C.No. 1509 of 2025

20.08.2025