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Crl.M.P.No.9974 of 2025
in Crl.RC No.601 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL MP NO. 9974 OF 2025

AND

CRL RC No. 601 of 2025

1. N.S.Malathi

W/o.N.S.Srinivasan, No.278,
Nathipalayam Post, Gobichettipalayam
Taluk, Erode District.

Petitioner(s)

Vs

1. R.Tamilselvi

W/o.S.Ramasamy, No.3, Abirami
Nagar, Seethalakshmipuram 6th Street,
Gobichettipalayam Town and Taluk,
Erode District.

Respondent(s)

PRAYER: Criminal Miscellaneous Petition is filed under Section 438(1) of BNSS to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 19.06.2023 made in STC No.1370 of 2017 on the file of the Ld. Judicial Magistrate I, Gobichettipalayam, which was confirmed by the judgment dated 05.03.2025 made in C.A.No.230 of 2023 on the file of the Ld. III



Additional District and Sessions Judge, Gobichettipalayam, and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition before this Honble Court and thus render justice.

For Petitioner(s): N.Manoharan

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 19.06.2023 made in STC No.1370 of 2017 on the file of the learned. Judicial Magistrate I, Gobichettipalayam, which was confirmed by the judgment dated 05.03.2025 made in C.A.No.230 of 2023 on the file of the learned III Additional District and Sessions Judge, Gobichettipalayam, and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.

2. The petitioner herein is the accused in S.T.C.No.1370 of 2017 on the file of the learned Judicial Magistrate I, Gobichettipalayam. 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 one year and to pay a compensation of Rs.6,00,000/- to the complainant under Section 357(3) Cr.P.C r/w 138 of Negotiable Instruments Act, within a period of two months. Aggrieved by the same, the petitioner had



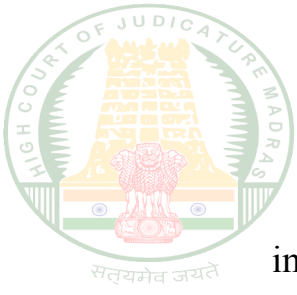
filed appeal in C.A No.230 of 2023 and the learned III Additional District and Sessions Judge, Gobichettipalayam, by order dated 05.03.2025 had dismissed the above appeal. Aggrieved by the same, the present revision has been filed.

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:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall pay the remaining cheque amount, i.e., Rs.2,80,000/- to the respondent on or before 24.06.2025.



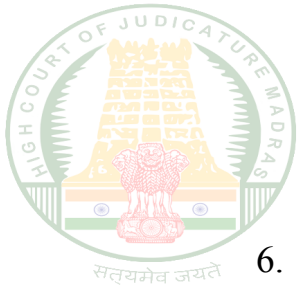
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(ii) Thereafter, the sentence of imprisonment alone, imposed on the petitioner/accused shall be suspended, on his executing a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;

(iii) 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;

(iv) 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;

(v) 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.



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

10-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The Judicial Magistrate I, Gobichettipalayam.
2. The III Additional District and Sessions Judge,
Gobichettipalayam.



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G.K.ILANTHIRAIYAN, J.

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