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Crl.M.P No.9978 of 2025 in
Crl.R.C.No.602 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2025

CORAM:

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

Crl.M.P.No.9978 of 2025
in
Crl.R.C.No. 602 of 2025

Jeeva

.... Petitioner

Vs

Eswaran

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on petitioner by Judgment dated 21.03.2025 made in Crl.A.No.248 of 2024 passed by the learned Additional District Judge (Fast Track Court) Mettur, Salem District in Confirming the Judgment of the Trial court dated 08.10.2024 in CC.No.271 of 2016 passed by the learned Judicial Magistrate No.I, Mettur, Salem District, wherein convicted the petitioner under Section 138 of the Negotiable Instrument Act and sentencing him into undergo one year simple imprisonment and pay compensation a sum of Rs.6,00,000/-, in default, to undergo further 3 months simple imprisonment and enlarge the petitioner on bail, pending disposal of the above criminal revision petition.



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For Petitioner : Mr.M.R.Jothimanian

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking to suspend the sentence imposed on the petitioner by Judgment dated 21.03.2025 made in Crl.A.No.248 of 2024 passed by the learned Additional District Judge (Fast Track Court) Mettur, Salem District confirming the Judgment of the Trial court dated 08.10.2024 in CC.No.271 of 2016 passed by the learned Judicial Magistrate No.I, Mettur, Salem District.

2. The petitioner herein is the accused in CC.No.271 of 2016 on the file of the learned Judicial Magistrate No.I, Mettur, Salem District. He was found guilty of the offence under Section 138 of the Negotiable Instruments Act and he has been convicted and sentenced to undergo one year simple imprisonment and to pay compensation of a sum of Rs.6,00,000/-, in default, to undergo further 3 months simple imprisonment. Aggrieved by the same, the petitioner had filed an appeal in Crl.A.No.248 of 2024 and the learned Additional District Judge (Fast Track Court) Mettur, Salem District by order dated 21.03.2025, had dismissed the above appeal, confirming the judgment and sentence imposed by the trial Court. Aggrieved by the same, the present



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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, 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 cheque amount, i.e. Rs.6,00,000/- (Rupees Six Lakhs only), after deducting the amount which was already deposited by the petitioner, if any, to the credit of CC.No.271 of 2016 on the file of the learned Judicial Magistrate No.I, Mettur, Salem District, within a period of four weeks from today, failing which the present order of 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's depositing the amount as stated in 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.

06.06.2025
(2/2)

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

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G.K.ILANTHIRAIYAN, J.

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To

1. The learned Additional District Judge (Fast Track Court) Mettur, Salem District
2. The learned Judicial Magistrate No.I, Mettur, Salem District.

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