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Crl.M.P.No.10001 of 2025 in
Crl.R.C.No.608 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2025

CORAM:

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

Crl.M.P.No.10001 of 2025
in
Crl.R.C.No. 608 of 2025

Tony Suresh

.... Petitioner

Vs

M/s. Om Muruga Enterprises
Rep.by its, Proprietor C.Ponnuswamy,
Son of Chinnaiyan,
No.2, Anna Salai,
2nd Cross Street, Erukancherry,
Chennai - 600 118.

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed upon the petitioner vide impugned Judgment dated 28.02.2025 in Crl.A.No.372 of 2023 on the file XV Additional City Civil Court at Chennai, confirming the conviction and sentence dated 06.06.2023 made in C.C.No.2102 of 2020 by the learned XX Metropolitan Magistrate, Allikulam, Chennai, pending disposal of the above Criminal Revision.

For Petitioner : Mr.S.Dharmakkan

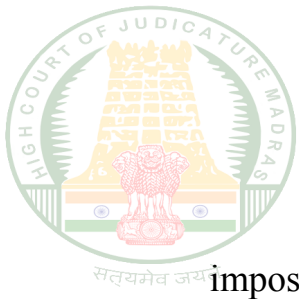


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ORDER

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2. The petitioner herein is the accused in C.C.No.2102 of 2020 on the file of the learned XX Metropolitan Magistrate, Allikulam, Chennai. He was found guilty of the offence under Section 138 of the Negotiable Instruments Act and he has been convicted and sentenced to undergo rigorous imprisonment for a period of six months and awarded to pay the cheque amount of Rs.6,00,000/- along with interest at the rate of 6% per annum within a period of eight weeks, in default of payment of compensation, the petitioner shall undergo simple imprisonment for a period of eight weeks as default sentence. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.372 of 2023 and the learned XV Additional Judge, City Civil Court, Chennai, by order dated 28.02.2025, had dismissed the said appeal, confirming the sentence



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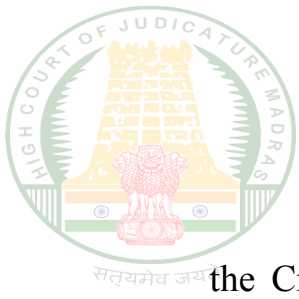
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imposed by the trial Court. Aggrieved by the same, the present revision has been filed.

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



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the Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on the following conditions:

(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 C.C.No.2102 of 2020 on the file of learned XX Metropolitan Magistrate, Allikulam, Chennai, 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



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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.

11.06.2025
(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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1. The XV Additional Judge, City Civil Court, Chennai.
2. The XX Metropolitan Magistrate, Allikulam, Chennai.

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