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Crl.M.P.No.10436 of 2025 in
Crl.R.C.No.686 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2025

CORAM:

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

Crl.M.P.No.10436 of 2025
in
Crl.R.C.No. 686 of 2025

1.M/s.Emeth Trading Company Private Ltd.,
No.30, Vadivelu Mudali Street,
Venkatapuram,
Ambattur – 600 053

2. Elizabeth Charles
Director of M/s.Emeth Trading Company Private Ltd.,
No.30, Vadivelu Mudali Street,
Venkatapuram,
Ambattur – 600 053

.... Petitioners

Vs

G.S.Rajasekaran
Director of Nortan Intec Rubbers Pvt Ltd.,
Old No.7, New No.15, Brason Garden Road,
Kilpauk, Chennai – 600 010.

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed by judgment and sentence passed in C.C.1098 of 2021 dated 20.02.2023 on the file of court of Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam, Chennai as confirmed by judgment passed in Crl.Appeal 137 of 2023 dated



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06.03.2025 on the file of the Hon'ble XVI Additional Sessions Judge at Chennai, pending disposal of the above criminal revision petition.

For Petitioners : Mr.S.Marshall

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the learned XVI Additional Sessions Judge, Chennai in Crl.A.No.137 of 2023, dated 06.03.2025, confirming the Judgment dated 20.02.2023 passed in C.C.No.1098 of 2021 by the learned Metropolitan Magistrate, Fast Track Court No.I, Egmore @ Allikulam, Chennai and enlarge the second petitioner on bail pending disposal of the above Criminal Revision Petition.

2. The petitioners herein are the accused in C.C.No.1098 of 2021 on the file of the learned Metropolitan Magistrate, Fast Track Court No.I, Egmore @ Allikulam, Chennai. The petitioners were found guilty of the offence under Section 138 of the Negotiable Instruments Act and the second petitioner has been convicted and sentenced to undergo simple imprisonment for a period of one year and awarded to pay the cheque amount. Aggrieved by the same, the petitioners had filed an appeal in Crl.A No.137 of 2023 and the learned XVI Additional Sessions Judge, Chennai, by order dated 06.03.2025, had dismissed



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the above appeal, confirming the judgment and sentence imposed by the trial Court. Aggrieved by the same, the present revision has been filed.

3. The learned counsel for the petitioners/accused would submit that there are arguable points available in the Criminal Revision Case and the petitioners/accused have got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioners/accused may be suspended. He would submit that the petitioners are 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 is granted on the following
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(i) the second petitioner shall deposit the entire cheque amount, i.e. Rs.10,00,000/- (Rupees Ten Lakhs only), after deducting the amount which was already deposited by the petitioner, if any, to the credit of C.C.No.1098 of 2021 on the file of learned Metropolitan Magistrate, Fast Track Court-I, Egmore @ 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 second petitioner/accused, depositing the above said amount, it is open to the trial Court to commit the petitioners/accused into custody for undergoing the sentence.

(iv) On the second petitioner depositing the amount as stated clause (i) supra, the sentence of imprisonment alone, imposed on the petitioners/accused, shall be suspended, on his



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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;

(v) The second 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 second 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.

09.06.2025
(3/3)

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 XVI Additional Sessions Judge,
Chennai.

2. The Metropolitan Magistrate,
Fast Track Court No.I,
Egmore @ Allikulam,
Chennai.

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