



Crl.M.P No.11861 of 2025 in
Crl.R.C.No.869 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2025

CORAM:

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

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in
Crl.R.C.No. 869 of 2025

1.GVK Petroleum,
No.30/4A, Kattuputhur Main Road,
Kumaripalayam,
Mohanur Taluk,
Namakkal District.

2. Kathirkumar Petitioners

Vs

P.Senthilkumar Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence made under judgment dated 11.09.2024 made in Crl.A.No.78 of 2023 on the file of the Special Court for Trial of Cases registered under SC/ST (POA) Act, Namakkal confirming the conviction and sentence in the judgment dated 20.03.2023 made in C.C.No.180 of 2022 on the file of the Judicial Magistrate No.1, Namakkal vide order dated 20.03.2023 pending disposal of the above criminal revision petition.

For Petitioners : Mr.W.Camyles Gandhi



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the Special Court for Trial of Cases registered under SC/ST (POA) Act, Namakkal, in Crl.A.No.78 of 2023, dated 11.09.2024, confirming the Judgment dated 20.03.2023 passed in C.C.No.180 of 2022 by the learned Judicial Magistrate No.I, Namakkal, and enlarge the petitioners on bail pending disposal of the above Criminal Revision.

2. The petitioners herein are the accused in C.C.No.180 of 2022 on the file of the learned Judicial Magistrate No.I, Namakkal and the second petitioner 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 awarded to pay the cheque amount of Rs.15,00,000/-. Aggrieved by the same, the petitioners had filed an appeal in Crl.A No.78 of 2023 and the learned Special Court for Trial of Cases registered under SC/ST (POA) Act, Namakkal, by order dated 11.09.2024, had dismissed 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 would submit that there are arguable points available in the Criminal Revision Case and the petitioners



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have got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioners 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 petitioners and also perused the materials placed on record.

5. Considering the submissions of the learned counsel for the petitioners, coupled with the quantum of punishment imposed upon the second 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:

(i) the second petitioner shall deposit 50% of the cheque amount, i.e., Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousand only), to the credit of C.C.No.180 of 2022 on the file of learned Judicial Magistrate No.I, Namakkal, within a period of four weeks from today. Failing which, the order passed by this Court shall stand automatically cancelled.



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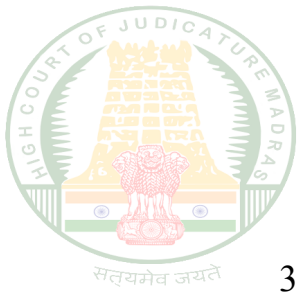
(ii) On such deposit being made, the trial Court shall redeposit the said amount in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Criminal Revision Case;

(iii) On the failure of the second petitioner depositing the above said amount, it is open to the trial Court to commit the second petitioner 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 second petitioner, 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;

(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



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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.

23.06.2025
(2/3)

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

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To

1. The Special Court for Trial of Cases registered under SC/ST (POA) Act, Namakkal.

2. The Judicial Magistrate No.I, Namakkal.



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G.K.ILANTHIRAIYAN, J.

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