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CRL MP No. 10088 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-05-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 10088 of 2025
in Crl.R.C.No.620 of 2025

Ramalingam
S/o.Mannangatti, Eanthal Village,
Sankarapuram Taluk, Kallakurichi
District.

Petitioner

Vs

Sakthivel
S/o.Pazhaniyapillai, Maadur Village,
Kallakurichi Taluk, Kallakurichi
District.

Respondent

PRAYER This Criminal Miscellaneous Petition has been filed under Section 438 of BNSS, seeking to suspend the execution of sentence imposed on the petitioner by the impugned order of conviction and sentence passed by the learned III Additional District Sessions Court, Kallakurichi made in Crl.A.No.32/2022 dated 05.02.2024 confirming the order of conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court, Kallakurichi in C.C.No.141 of 2019 dated 12.09.2022 and enlarge the petitioner



on bail pending disposal of the above Revision.

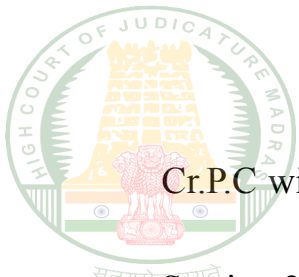
For Petitioner: Mr.G.Balamanikandan

For Respondent: Mr.M.Santhanaraman

ORDER

This Criminal Miscellaneous Petition has been filed, seeking to suspend the execution of sentence imposed on the petitioner by the impugned order of conviction and sentence passed by the learned III Additional District Sessions Court, Kallakurichi made in Crl.A.No.32/2022 dated 05.02.2024 confirming the order of conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court, Kallakurichi in C.C.No.141 of 2019 dated 12.09.2022 and enlarge the petitioner on bail pending disposal of the above Revision petition.

2.The petitioner/Accused in C.C.No.141 of 2019, was convicted by the trial Court by the judgment dated 12.09.2022 for the offence punishable under Section 138 of Negotiable Instrument Act, and sentenced to undergo one year rigorous imprisonment, under Section 255(2) of Cr.P.C, and also to pay the cheque amount of Rs.7,00,000/- as compensation under Section 357(3) of



Cr.P.C within a period of three months, in default to undergo two months under

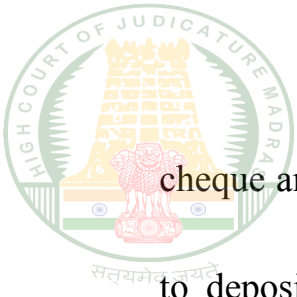
Section 255(2) of Cr.P.C.

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3. Aggrieved by the said conviction, the petitioner has preferred an appeal in Crl.A.No.32 of 2022 before the III Additional District Sessions Court, Kallakurichi, who in turn vide judgment dated 05.02.2024, confirmed the conviction and sentence passed by the trial Court. Challenging the same, the petitioner has come forward with the present Criminal Revision.

4. Mr.M.Santhanaraman, learned counsel who takes notice for the respondent/complainant, seeks time to file his counter.

5. The learned counsel for the petitioner would submit that there are merits in this revision and the Courts below have not appreciated the evidence let in the record as regards giving loan by the respondent/complainant and there is no legal enforceable debt payable by the petitioner/accused and he never issued any cheque. The learned counsel however would submit that the total



cheque amount involved in this case is Rs.7,00,000/- and the petitioner is ready to deposit 50% of the cheque amount i.e., 3,50,000/- before the trial Court without prejudice to his defence.

6.It is stated that the petitioner has now been remanded on a conviction warrant and confined in Central Prison, Cuddalore from 08.04.2025. Since now the petitioner is ready and willing to deposit 50% of the cheque amount before the trial Court. The petitioner to deposit the amount of Rs.3,50,000/- lakhs produce the proof, while executing the surety and bond.

7.Considering the submissions made by the learned counsel for the petitioner and the substantial grounds raised in the revision, which requires consideration, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

8.Accordingly, the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the revision and he is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of



Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the trial Court.

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9.Further, the petitioner shall appear before the Trial Court once in three months at 10.30 a.m. on the first working day of the month, until the disposal of the revision and if he is not able to appear before the Trial Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C. 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.

10.Accordingly, this Criminal Miscellaneous Petition is ordered.

gbi/jai

16-05-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

- 1.The III Additional District Sessions Court, Kallakurichi.
- 2.The Judicial Magistrate, Fast Track Court, Kallakurichi.
- 3.The Superintendent, Central Prison, Cuddalor.
- 4.The Public Prosecutor, High Court of Madras, Madras.



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M.NIRMAL KUMAR J.

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