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Crl.M.P.No.10263 of 2025 in Crl.R.C.No.637 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.10263 of 2025
in Crl.R.C.No.637 of 2025

C.Saravanan

... Petitioner

Vs

R.Anbalagan

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 442 of BNSS, 2023, to grant Suspension of the conviction and sentence passed in Crl.A.No.39/2023 dated 29.04.2025 on the file of Court of I Addl District and Sessions Judge, Thiruvallur, confirming the conviction and sentence passed by the Learned Judicial magistrate court of Fast Track at Magisterial level, Thiruvallur made in STC.No.62/2022 dated 01.02.2023 and enlarge the petitioner/appellant on bail pending disposal of the Criminal Revision petition.

For Petitioner : Mr.D.N.Dhurgasha

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed in Crl.Appeal.No.39 of 2023 by the I - Additional District and Sessions Judge, Tiruvallur dated 29.04.2025, confirming the conviction and sentence ordered in STC.No.62 of 2022 dated 01.02.2023 on the file of Fast Track Court Magisterial Level, Tiruvallur.



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2. The petitioner herein is the accused in S.T.C.No.62 of 2022 on the file of the Fast Track Court Magisterial Level, Tiruvallur. He was found guilty for the offence under Section 138 of Negotiable Instruments Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Section 138 of Negotiable Instruments Act	to undergo six months simple imprisonment and to pay the compensation of Rs.7,00,000/- within a period of two months, in default, to undergo simple imprisonment for further period of two months.

Aggrieved by the same, the petitioner has filed this criminal revision along with the present miscellaneous petition.

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 the condition imposed by this Court. He further submitted that now the petitioner was arrested and remanded to judicial custody and confined in Sub Jail, Nagarcoil.



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4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner, further 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:

(a) The petitioner is directed to deposit 20% of the cheque amount to the credit of Trial Court, within a period of two weeks from today, failing which the order of suspension passed by this Court shall stand automatically cancelled. On receipt of such deposit, the petitioner/accused is ordered to be released on bail, on his executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Fast Track Court Magisterial Level, Tiruvallur.



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(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) 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.

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Internet:Yes
Index:Yes/No
Speaking/Non speaking order
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To

1. The I - Additional District and Sessions Judge,
Tiruvallur.
2. The Judicial Magistrate Court of Fast Track
at Magisterial level,
Thiruvallur.
3. The Superintendent,
Sub Jail, Nagarcoil.
4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

mn

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