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Crl.M.P No.10533 of 2025 in
Crl.R.C.No.700 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.10533 of 2025
in
Crl.R.C.No. 700 of 2025

1. M/s.GK CNC AXIS Solutions
Represented by Partner,
Mr.K.L.Kumar,
No.154, A/B, Old No.6 A/B,
Ground Floor, Mahatma Gandhi Road,
8th Cross Street, Tass Industrial Estate,
Ambattur Telephone Exchange, Chennai - 600 098.

2. K.L.Kumar
Partner
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Ground Floor, Mahatma Gandhi Road,
8th Cross Street, Tass Industrial Estate,
Ambattur Telephone Exchange,
Chennai - 600 098.

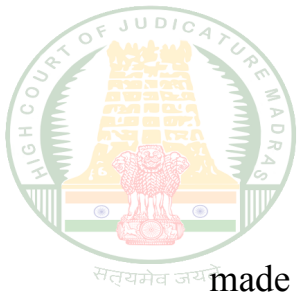
.... Petitioners

Vs

A.Vinod

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the substantive sentence imposed upon the petitioner by the judgment passed on 14.02.2024



Crl.M.P No.10533 of 2025 in
Crl.R.C.No.700 of 2025

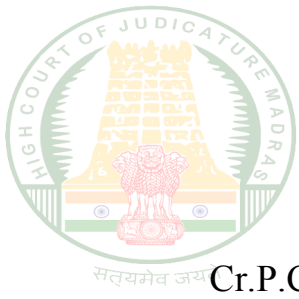
made in C.C.No.2377 of 2023 passed by the XXV Metropolitan Magistrate Court, Egmore, Chennai and confirmed by the XV Additional Sessions Judge, Chennai in C.A.No.181 of 2024 dated 21.02.2025 and to enlarge the 2nd petitioner on bail.

For Petitioners : Mr.I.Abrar Mohamed Abdullah

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the learned XV Additional Sessions Judge, Chennai in C.A.No.181 of 2024, dated 21.02.2025, confirming the Judgment dated 14.02.2024 passed in C.C.No.2377 of 2023 by the learned XXV Metropolitan Magistrate Court, Egmore, Chennai and enlarge the 2nd petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioners herein is the accused in C.C.No.2377 of 2023 on the file of the learned XXV Metropolitan Magistrate Court, Egmore, 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 simple imprisonment for a period of six months and to pay a compensation of Rs.10,00,000/- to the complainant under Section 357(3)



Crl.M.P No.10533 of 2025 in
Crl.R.C.No.700 of 2025

WEB COPY

Cr.P.C, in default of payment of compensation, the petitioners shall undergo a simple imprisonment for a period of one month as default sentence. Aggrieved by the same, the petitioners had filed appeal in Crl.A No.181 of 2024 and the learned XV Additional Sessions Judge, Chennai, by order dated 14.02.2025, 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/accused would submit that there are arguable points available in the Criminal Revision Case and the petitioners/accused has 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 the condition imposed by this Court.

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

5. Considering the fact that the petitioners has raised substantial



Crl.M.P No.10533 of 2025 in
Crl.R.C.No.700 of 2025

WEB COPY

grounds in the above revision, which requires consideration, this Court is inclined to grant suspension of sentence, on the following conditions, till the disposal of the above Criminal Revision:

(i) The second petitioner is ordered to be enlarged on bail, on condition that 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.2377 of 2023 on the file of the learned XXV Metropolitan Magistrate Court, Egmore, Chennai, within a period of four weeks from today.

(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) Thereafter, the sentence of imprisonment alone, imposed on the second petitioner shall be suspended, on his executing a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the



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Crl.M.P No.10533 of 2025 in
Crl.R.C.No.700 of 2025

satisfaction of the trial court;

(iv) 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;

(v) 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;

(vi) On the failure of the second petitioner, depositing the above said amount, it is open to the trial Court to commit the second petitioner/accused into custody for undergoing the sentence.

6. With the above directions, this Criminal Miscellaneous Petition is



Crl.M.P No.10533 of 2025 in
Crl.R.C.No.700 of 2025

ordered.
WEB COPY

11.06.2025
(2/3)

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

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To

1. The XV Additional Sessions Judge, Chennai.
2. The XXV Metropolitan Magistrate Court, Egmore, Chennai.



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Crl.M.P No.10533 of 2025 in
Crl.R.C.No.700 of 2025

G.K.ILANTHIRAIYAN, J.

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Crl.R.C.No.700 of 2025

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(2/3)