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*Crl.M.P.No.10402 of 2025
in Crl.R.C.No. 677 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.10402 of 2025

in

Crl.R.C.No. 677 of 2025

E.Ravichandran

.... Petitioner

Vs

M.Gunasekaran

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the execution of the conviction and sentence of six months simple imprisonment and to pay compensation amount of Rs.2,25,000/- within the period of one month, in STC.No.108 of 2022 was passed by the Hon'ble Metropolitan Magistrate, Fast Tack Judge, Thiruvallur dated 07.11.2023 and which was confirmed in Crl.A.No.36 of 2024 on the file of the Learned Hon'ble Principal District and Sessions Judge, Thiruvallur and to enlarge the petitioner's on bail pending disposal of the above main appeal.

For Petitioner : Mr.A.Thiruvilankumar

ORDER



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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Principal District and Sessions Judge, Thiruvallur, in Crl.A.No.36 of 2022 dated 16.04.2025, by confirming the judgment and sentence passed in STC No.108 of 2022 dated 07.11.2023, by the learned Metropolitan Magistrate, Fast Track Court, Thiruvallur and enlarge the petitioner on bail pending disposal of the above revision petition.

2. The petitioner herein is the accused in STC No.108 of 2022 on the file of the learned Metropolitan Magistrate, Fast Track Court, Thiruvallur. 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.2,25,000/- to the complainant under Section 357(3) Cr.P.C, in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a period of three months as default sentence. Aggrieved by the same, the petitioner had filed appeal in Crl.A.No.36 of 2022 and the learned Principal District and Sessions Judge, Thiruvallur, by



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order dated 16.04.2025, had dismissed the above appeal and confirming the order passed by the Trial Court. Aggrieved by the same, the present revision has been filed.

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. Further it is his specific submission that the petitioner was enlarged on bail during the time of pendency of the appeal before the first appellate Court. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Heard the learned counsel appearing on either side and also perused the materials placed on record.

5. Considering the facts and circumstances of the case coupled



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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:

(i) the petitioner shall deposit the entire cheque amount, i.e. Rs.2,25,000/- (Rupees Two Lakhs Twenty Five Thousand only), after deducting the amount which was already deposited by the petitioner, if any, to the credit of STC.No.108 of 2022 on the file of learned Metropolitan Magistrate, Fast Track Court, Thiruvallur, within a period of four weeks from today. Failing which, the order passed by this Court shall stand automatically cancelled. The respondent is at liberty to take appropriate steps to secure the petitioner to comply with the order of conviction and sentence.

(ii) On such deposit being made, the trial Court shall redeposit the said amount in a Fixed Deposit Account, in any



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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 petitioner/accused 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;

(iv) The 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 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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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

1. The Principal District and Sessions Judge,
Thiruvallur.
2. The Metropolitan Magistrate,
Fast Track Court, Thiruvallur.



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G.K.ILANTHIRAIYAN, J.

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