



Crl.M.P No.11483 of 2025 in
Crl.R.C.No.831 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2025

CORAM:

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

Crl.M.P.No.11483 of 2025
in
Crl.R.C.No. 831 of 2025

Sunkara Saidulu

.... Petitioner

Vs

M/s.Nakoda Auto Investment,
Rep by its Proprietor,
Mr.Navaratanmal Nahar,
No.22/2, Ritherdon Road Street,
Vepery,
Chennai-600 007.

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the petitioners by the Learned XIX Additional City Civil Judge, Chennai, made in Crl.A.No.120 of 2024, dated 31.01.2025, confirming the Judgement of conviction and sentence passed by the Learned Metropolitan Magistrate, Fast Track Court-4, George Town, Chennai in S.T.C.No.842 of 2022, by judgement dated 23.01.2024, and enlarge the petitioner on bail till the disposal of the above mentioned Crl.R.C.No.831 of 2025.

For Petitioner : Mr.Ganesh Rajan



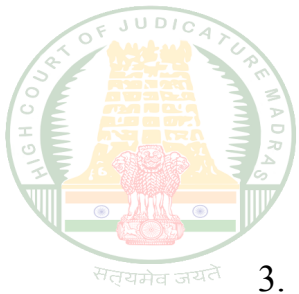
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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned XIX Additional City Civil Judge, Chennai, in Crl.A.No.120 of 2024, dated 31.01.2025, confirming the Judgment dated 23.01.2024 passed in S.T.C.No.842 of 2022 by the learned Metropolitan Magistrate, Fast Track Court-4, George Town, Chennai, and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in S.T.C.No.842 of 2022 on the file of the learned Metropolitan Magistrate, Fast Track Court-4, George Town, Chennai. He was found guilty of the offence under Section 138 of the Negotiable Instruments Act and he has been convicted and sentenced him to undergo simple imprisonment for a period of three months and awarded to pay the cheque amount of Rs.13,52,916/-. Aggrieved by the same, the petitioner had filed an appeal in Crl.A.No.120 of 2024 and the learned XIX Additional City Civil Judge, Chennai, by order dated 31.01.2025, 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.



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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 any condition to be imposed by this Court. He further submitted that, after the conviction, the bus was also seized by the respondent. That apart, at the time of suspension of the sentence by the Appellate Court, the petitioner deposited 20% of the cheque amount.

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

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



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the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) the petitioner shall deposit a sum of Rs.4,00,000/- to the credit of S.T.C.No.842 of 2022 on the file of learned Metropolitan Magistrate, Fast Track Court-4, George Town, Chennai, within a period of four weeks from today. Failing which, the order passed by this Court shall stand automatically cancelled.

(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 petitioner/accused depositing the above said amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

(iv) On the petitioner depositing the amount as stated clause (i) supra, 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;



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(v) 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;

(vi) 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.

19.06.2025
(2/3)

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

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G.K.ILANTHIRAIYAN, J.

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To

1. The XIX Additional City Civil Judge, Chennai.
2. The Metropolitan Magistrate, Fast Track Court-4, George Town, Chennai.

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