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Crl.MP.No.12056 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

CORAM:

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

Crl.M.P.No.12056 of 2025

in

Crl.RC.No.888 of 2025

S.Krishnakumar

...Petitioner

Vs.

M/s.K.P.R.Mill Limited,
Rep. By Marketing Manager, P.Ranganathan,
No.270, Periyar Colony,
Anupparpalayam,
Tiruppur 641 652

... Respondent

PRAYER:

Criminal Miscellaneous Petition filed under Section 438(1) of BNSS.,
praying to suspend the judgment and sentence imposed upon the petitioner
in STC.No.231 of 2012 on the Judicial Magistrate, Fast Track Court at
Magisterial Level, Tiruppur dated 09.10.2018 and confirmed in CA.No.112
of 2018 on the file of I Additional District and Sessions Judge, Tiruppur
dated 30.01.2025 pending disposal of the above revision.



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For Petitioner : Mr.M.C.Swamy

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ORDER

This Criminal Miscellaneous Petition has been filed praying to suspend the judgment and sentence imposed upon the petitioner in STC.No.231 of 2012 on the Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruppur dated 09.10.2018, which was confirmed in CA.No.112 of 2018 on the file of I Additional District and Sessions Judge, Tiruppur dated 30.01.2025, pending disposal of the above revision.

2. The petitioner herein is the second accused in STC.No.231 of 2012 on the Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruppur. 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 one year and to pay fine of Rs.39,00,000/- as compensation to the complainant under Section 357 Cr.P.C., in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a period of six months. Aggrieved by the same, the petitioner had filed appeal in CA.No.112 of 2018 and the learned I



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Additional District and Sessions Judge, Tiruppur, by order dated 30.01.2025

WEB CO 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 petitioner/A2 would submit that there are arguable points available in the Criminal Revision Case and the petitioner/A2 has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioner/A2 may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

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

5. Considering the fact that the petitioner has raised substantial 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:



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(i) The petitioner/A2 is ordered to be enlarged on bail, on condition that the petitioner/A2 shall deposit **Rs.20,00,000/- (Rupees Twenty lakhs only)** after deducting the amount which was already deposited by the petitioner, if any, to the credit of STC.No.231 of 2012 on the Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruppur, 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 petitioner/A2 shall be suspended, on his executing 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/A2 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of



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their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(v) The petitioner/A2 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 petitioner/A2, depositing the above said amount, it is open to the trial Court to commit the petitioner/A2 into custody for undergoing the sentence.

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

25.06.2025
(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.I Additional District and Sessions Judge, Tiruppur
- 2.The Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruppur

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in
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