



Crl.MP.No.10344 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 06.06.2025

CORAM:

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

Crl.M.P.No.10344 of 2025

in

Crl.R.C.No.656 of 2025

1.Chennai Roofings Pvt.Ltd.,
Rep. by its Managing Director,
V.Ramalingam,
Having office at
GST Road, West Tambaram,
Chennai 600 045
2.V.Ramalingam

... Petitioners

Vs

T.N.Nagoor Meeran Maraikkayar & Sons,
Rep. By its Prop.N.Jilani,
No.8/5A, Hazarath Makkan,
Vellore 632 004

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentences imposed on the petitioner in order dated 28.02.2025 in CA.No.33 of 2024 on the file of I Additional District and Sessions Judge at Vellore by confirming the judgment of trial court in CC.No.787 of 2011 dated 20.03.2024 on the file of the Judicial Magistrate, (FTC) Vellore pending



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disposal of the above appeal

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For Petitioners : Mr.K.Thenrajan

COMMON ORDER

This Criminal Miscellaneous Petition has been filed praying to suspend the sentences imposed on the second petitioner in order dated 28.02.2025 in CA.No.33 of 2024 on the file of I Additional District and Sessions Judge at Vellore confirming the judgment of trial court in CC.No.787 of 2011 dated 20.03.2024 on the file of the Judicial Magistrate, (FTC) Vellore, pending disposal of the above appeal.

2. The petitioners herein are the accused in CC.No.787 of 2011 on the file of the Judicial Magistrate, (FTC) Vellore. The petitioners were found guilty of the offence under Section 138 of NI Act and the second petitioner has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 138 of NI Act	to undergo simple imprisonment for a period of six months and to pay compensation of Rs.3,44,459/- to the complainant within two months, in default to undergo simple imprisonment for two months.



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Aggrieved by the same, the petitioners had filed appeal in CA.No.33 of 2024 and the learned I Additional District and Sessions Judge at Vellore, by order dated 28.02.2025, had dismissed the appeal and confirmed the conviction and sentence, against which 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 have got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the second petitioner/accused may be suspended. He would further submit that the second petitioner is ready to abide the condition imposed by this Court.

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

5. Considering the submissions of the learned counsel for the petitioners, coupled with the quantum of punishment imposed upon the petitioner and taking into consideration the fact that this criminal revision is



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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 petitioners shall deposit the entire cheque amount, i.e. Rs.3,44,459/- (Rupees Three Lakhs Forty Four Thousand Four Hundred and Fifty Nine only), after deducting the amount which was already deposited by the petitioner, if any, to the credit of CC.No.787 of 2011 on the file of the Judicial Magistrate, (FTC) Vellore, within a period of four weeks from today, failing which the present order of 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 failure of the petitioners/accused's depositing the above said amount, it is open to the trial Court to commit



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the second petitioner into custody for undergoing the sentence.

(iv) On the petitioners' depositing the amount as stated clause (i) supra, the sentence of imprisonment alone, imposed on the second petitioner, 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;

(v) 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;

(vi) 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;



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

ordered.

06.06.2025
(3/3)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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- 1.The I Additional District and Sessions Judge at Vellore
- 2.The Judicial Magistrate, (FTC) Vellore
- 3.N.Jilani,
Proprietor,
T.N.Nagoor Meeran Maraikkayar & Sons,
No.8/5A, Hazarath Makkan,
Vellore 632 004



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G.K.ILANTHIRAIYAN, J.

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