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Crl.M.P No.11068 of 2025 in
Crl.R.C.No.768 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2025

CORAM:

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

Crl.M.P.No.11068 of 2025
in
Crl.R.C.No. 768 of 2025

1. Anburaja Textile Mills (P) Ltd.,
Rep. by its Managing Director,
K.P.Anbazhagan

2. K.P.Anbazhagan
S/o. Periyathambigounder,
Managing Director,
Anburaja Textile Mills (P) Ltd.

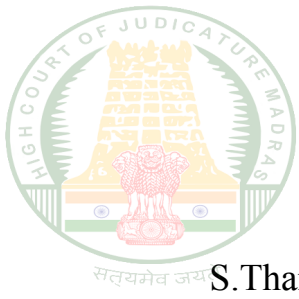
Both residing at:
D.No.11-D, By pass Road,
Sivasakthi Nagar,
Kumarapalayam Agraharam Village,
Kumarapalayam Post,
Tiruchengode Taluk, Namakkal District.

Now at:
D.No.4/140
Kallangattuvalasu Village and Post,
Kumarapalayam Taluk,
Namakkal District.

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Petitioners

Vs



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S.Thangaraj
S/o. Sellappagounder
Kavelethi Marathottam,
Kaliyanur Post,
Tiruchengode Taluk,
Namakkal District.
represented by his Power Agent Kaliyanam
S/o. Late Kuppanagounder,
Adikaadu,
West Thottipalayam Pudhur,
Seerampalayam Post,
Samayasangali Agraharam Village,
Tiruchengode Taluk,
Namakkal District.

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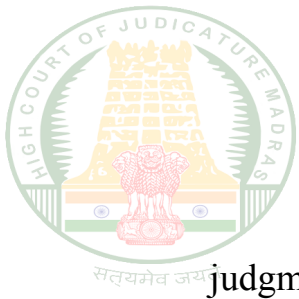
Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence dated 03.12.2024 passed in C.A.No.92 of 2024 on the file of the II Additional District and Sessions Judge, Tiruchengode confirming the judgment dated 25.03.2024 passed in S.T.C.No.12 of 2020 on the file of the Judicial Magistrate, Kumarapalayam and enlarge the petitioners on bail, pending disposal of the above criminal revision petition.

For Petitioners : Mr.G.Paramasivam

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence dated 03.12.2024 passed in C.A.No.92 of 2024 on the file of the II Additional District and Sessions Judge, Tiruchengode confirming the



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judgment dated 25.03.2024 passed in S.T.C.No.12 of 2020 on the file of the Judicial Magistrate, Kumarapalayam and enlarge the petitioners on bail, pending disposal of the above criminal revision petition.

2. The petitioners herein are the accused in STC.No.12 of 2020 on the file of the learned Judicial Magistrate, Kumarapalayam. They were found guilty of the offence under Section 138 of the Negotiable Instruments Act and they have been convicted and sentenced to undergo simple imprisonment under Section 255(2) Cr.P.C. for a period of six months. Aggrieved by the same, the petitioner had filed appeal in C.A No.92 of 2024 and the learned II Additional District and Sessions Judge, Tiruchengode, by a judgment dated 03.12.2024 had dismissed the above appeal. 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 have got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the



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petitioners/accused may be suspended. He would submit that the petitioners is 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 have 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:

(i) The petitioners are ordered to be enlarged on bail, on condition that the petitioners shall deposit the entire cheque amount deducting the amount already paid, if any, to the credit of S.T.C.No.12 of 2020 on the file of the Judicial Magistrate, Kumarapalayam, within a period of four weeks from today (i.e.16.06.2025)

(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



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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 petitioners/accused shall be suspended, on their 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 petitioners 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 petitioners 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 they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court;

(vi) On failure of the petitioners/accused,



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

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

16.06.2025

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

1. The II Additional District and Sessions Judge, Tiruchengode
2. The Judicial Magistrate, Kumarapalayam.



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G.K.ILANTHIRAIYAN, J.

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