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Crl.M.P No.11104 of 2025 in
Crl.R.C.No.781 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2025

CORAM:

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

Crl.M.P.No.11104 of 2025

in

Crl.R.C.No. 781 of 2025

1.Anburaja Textile Mills (P) Ltd.,
Rep. By its Managing Director,
K.P.Anbazzhagan.

2. K.P.Anbazzhagan,
Managing Director,
Anburaja Textile Mills (P) Ltd.,

.... Petitioners

Vs

R.Neelavathi
represented by her power agent
Kaliyannan

.... 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.90 of 2024 on the file of the Hon'ble Court of II Additional District and Sessions Judge, Tiruchengode, confirming the Judgment dated 25.03.2024 passed in STC No.13 of 2020 on the file of the learned Judicial Magistrate, Kumarapalayam and enlarge the petitioners on bail, pending disposal of the above criminal revision petition.



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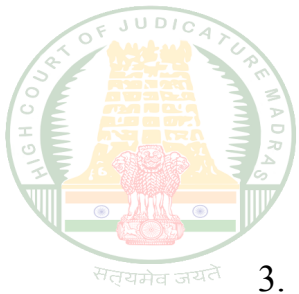
Crl.M.P No.11104 of 2025 in
Crl.R.C.No.781 of 2025

For Petitioners : Mr.G.Paramasivam

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the learned II Additional District and Sessions Judge, Tiruchengode, in C.A.No.90 of 2024, dated 03.12.2024, confirming the Judgment dated 25.03.2024 passed in S.T.C No. 13 of 2020 by the learned Judicial Magistrate, Kumarapalayam, and enlarge the second petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioners herein are the accused in S.T.C No. 13 of 2020 on the file of the learned Judicial Magistrate, Kumarapalayam. The second petitioner 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. Aggrieved by the same, the petitioners had filed an appeal in Crl.A No.90 of 2024 and the learned II Additional District and Sessions Judge, Tiruchengode, by order dated 03.12.2024, 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.



Crl.M.P No.11104 of 2025 in
Crl.R.C.No.781 of 2025

WEB COPY

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 has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioners/accused may be suspended. He would submit that the petitioners are ready to abide any condition to be imposed by this Court.

4. Heard the learned counsel appearing 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 petitioners 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, the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) the second petitioner shall deposit the entire cheque



Crl.M.P No.11104 of 2025 in
Crl.R.C.No.781 of 2025

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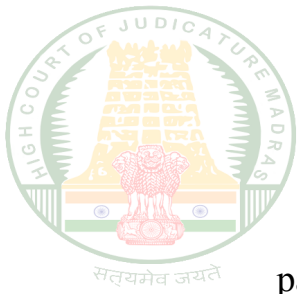
amount, i.e. Rs.4,00,000/- (Rupees Four Lakhs only), after deducting the amount which was already deposited by the second petitioner, if any, to the credit of STC.No.13 of 2020 on the file of learned Judicial Magistrate, Kumarapalayam, within a period of four weeks from today. Failing which, the order 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 second petitioner depositing the above said amount, it is open to the trial Court to commit the second petitioner into custody for undergoing the sentence.

(iv) On the second petitioner 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



Crl.M.P No.11104 of 2025 in
Crl.R.C.No.781 of 2025

WEB COPY

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;

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

23.06.2025
(4/6)

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

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Crl.M.P No.11104 of 2025 in
Crl.R.C.No.781 of 2025

G.K.ILANTHIRAIYAN, J.

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To

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

Crl.M.P.No.11104 of 2025
in
Crl.R.C.No.781 of 2025

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(4/6)