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Crl.MP.No.10828 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2025

CORAM:

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

Crl.M.P.No.10828 of 2025

in

Crl.A.No.612 of 2025

T.Narayanan

...Petitioner

Vs.

M.Prabhu

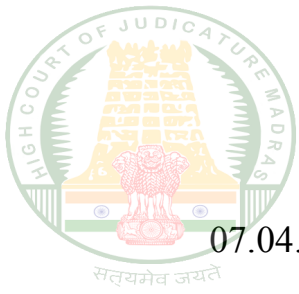
... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 438(1) & 483 of BNSS Act, to suspend execution of the sentence in Crl.A.No.469 of 2024 dated 07.04.2025 by the learned XXI Additional City Civil and Sessions Judge, Chennai confirming the order in STC.No.2479 of 2022 dated 05.06.2024 passed by the learned XXVII Metropolitan Magistrate Court, Saidapet, Chennai and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.R.Thanigai Arasu

ORDER

This Criminal Miscellaneous Petition has been filed praying to suspend execution of the sentence in Crl.A.No.469 of 2024 dated



Crl.MP.No.10828 of 2025

07.04.2025 by the learned XXI Additional City Civil and Sessions Judge, Chennai confirming the order in STC.No.2479 of 2022 dated 05.06.2024 passed by the learned XXVII Metropolitan Magistrate Court, Saidapet, Chennai and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2. The petitioner is the accused in STC.No.2479 of 2022 on the file of the learned XXVII Metropolitan Magistrate Court, Saidapet, Chennai. He was found guilty of the offences under Section 138 of NI Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 138 of NI Act	to undergo 1 year simple imprisonment and to pay fine of Rs.20,50,000/-, in default to undergo 3 months simple imprisonment

Aggrieved by the same, the petitioner filed appeal and the same was dismissed, against which he has filed the aforementioned criminal appeal before this Court along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the



petitioner/accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/accused 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 facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner, further this criminal appeal 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.

6. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended and bail are granted on the following conditions:



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Crl.MP.No.10828 of 2025

(i) the petitioner shall deposit the entire cheque amount, i.e. 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.2479 of 2022 on the file of the learned XXVII Metropolitan Magistrate Court, Saidapet, Chennai, 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 Appeal;

(iii) On failure of the petitioners/accused's depositing the above said amount, it is open to the trial Court to commit the 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 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;



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Crl.MP.No.10828 of 2025

(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 criminal appeal 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;

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

13.06.2025
(2/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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Crl.MP.No.10828 of 2025

G.K.ILANTHIRAIYAN, J.

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To

- 1.The learned XXI Additional City Civil and Sessions Judge, Chennai
- 2.The learned XXVII Metropolitan Magistrate Court, Saidapet, Chennai

Crl.M.P.No.10828 of 2025

in

Crl.A.No.612 of 2025

13.06.2025

(2/2)

6/6