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*Crl.M.P.Nos.10381 & 10382 of 2025
in Crl.R.C.Nos.671 & 673 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2025

CORAM:

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

Crl.M.P.Nos.10381 & 10382 of 2025
in
Crl.R.C.Nos.671 & 673 of 2025

Bhuvaneshwari

...Petitioner in Crl.M.P.
No.10381 of 2025

T.Udhayakumar

...Petitioner in Crl.M.P.
No.10382 of 2025

Vs.

N.Rajiv Naidu

... Respondent in both
petitions

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence dated 02.12.2023 made in C.C.No.121 of 2018 passed by the learned Fast Track Court III, Metropolitan Magistrate, Saidapet, Chennai as confirmed by the judgment dated 28.03.2025 made in Crl.Appeal Nos. 813 & 812 of 2023, respectively passed by the learned XVII Additional City Civil Court at Chennai.



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In both petitions

For Petitioner : Mr.R.John Sathyan, Senior Counsel
For Mr.S.Sathish Rajan

For Respondent : Mr.Nithesh R. Venkatesh

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioners, seeking suspension of sentence imposed by the learned XVII Additional Judge, City Civil Court, Chennai, by the judgment dated 28.03.2025 in Crl.Appeal Nos. 813 & 812 of 2023 respectively, confirming the order dated 02.12.2023 passed by the learned Metropolitan Magistrate, Fast Track Court III, Saidapet, Chennai, in C.C.No.121 of 2018 and enlarge the petitioners on bail pending disposal of the above criminal revisions.

2. The petitioners are arrayed as A2 & A3 in the complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act (hereinafter referred to as “the NI Act”) in C.C.No.121 of 2018 on the file of the III Metropolitan Magistrate, Fast Track Court, Saidapet, Chennai. Their company was arrayed as first accused. After full fudged trial, all the accused were convicted for the offence punishable under Section 138 of NI Act and sentenced the



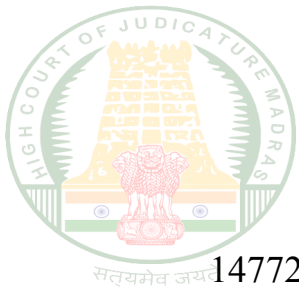
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petitioners to undergo one year simple imprisonment and also awarded compensation to the tune of the cheque amount with interest at 6% per annum from the date of complaint. Aggrieved by the same, the petitioners preferred separate appeals and all the appeals were dismissed by the common judgment dated 28.03.2025 by the learned XVII Additional Judge, City Civil Court, Chennai in Crl.A.Nos.811 to 813 of 2023. Hence, the petitioners filed the revision petitions along with the present petitions.

3. The learned Senior Counsel appearing for the petitioners submitted that there are arguable points available in the Criminal Revision Cases and the petitioners/accused have got a fair chance of succeeding in the Criminal Revision Cases 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. The learned counsel appearing for the respondent submitted that at the time of filing the appeals by the A2 & A3, their sentence were suspended without imposing any conditions. Therefore, challenging the said order, the respondent herein approached this Court in Crl.O.P.Nos. 14769 &



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14772 of 2024. While pending the said petitions, the parties were entered into a Memorandum of Understanding thereby, the petitioners agreed jointly and severally to pay a sum of Rs.45,00,00,000/- to the respondent within a period of 60 days from the date of memorandum of understanding ie., 04.08.2024. However, the petitioners failed to act upon the memorandum of understanding as agreed by them. Therefore, this Court by an order dated 23.10.2024 disposed the above petitions and posted the same on 08.11.2024 for filing explanation for not obeying the memorandum of understanding and misleading statement made before this Court.

5. In the meanwhile, all the appeals filed by the accused persons were dismissed by the appellate Court. Further this Court had taken *suo motu* contempt as against the petitioners and issued statutory notice. However, on receipt of the same, the petitioners failed to appear before this Court and as such this Court issued Non-bailable warrant as against the petitioners by an order dated 05.06.2025 and posted the matter on 19.06.2025. In the mean time, all the accused persons preferred the present revision cases along with the petitions to suspend the sentence.



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6. Considering the above facts and circumstances, this Court finds

no *prima facie* case made out by the petitioners to suspend the sentence.

Accordingly, both the Criminal Miscellaneous petitions are dismissed. It is made clear that pendency of these revisions is not an impediment for the respondent to take appropriate steps as against the accused persons to comply the order of conviction and sentence and the compensation imposed by the trial Court and confirmed by the appellate Court.

09.06.2025
(2/2)

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

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G.K.ILANTHIRAIYAN, J.

rts

To

1.The XVII Additional Judge,
City Civil Court, Chennai.

2. The Metropolitan Magistrate,
Fast Track Court III, Saidapet,
Chennai.

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