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Crl.M.P No.10459 of 2025 in
Crl.R.C.No.688 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.No.10459 of 2025
in
Crl.R.C.No. 688 of 2025

1. Chennai Roofings Pvt.Ltd.,
Rep by its Managing Director,
V.Ramalingam,

2.V.Ramalingam
Managing Director,
Chennai Roofings Pvt.Ltd.,

..... Petitioners

Vs

T.M.Nagoor Meeran Maraikkayar and Sons,
Rep by its Prop.N.Jilani,
No.8/5A, Hazarath Makkan,
Vellore – 632004.

..... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentences imposed on the petitioner in order dated 28.02.2025 in CA.No.34/2024 on the file of the I Additional District and Sessions Judge at Vellore by confirming the Judgment of trial court in C.C.No.723/2011 dated 20.03.2024 on the file of the Judicial Magistrate (FTC), Vellore pending disposal of the above appeal.



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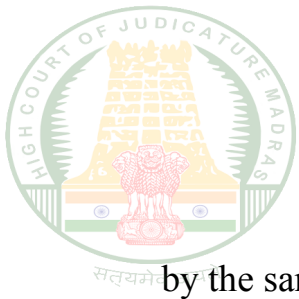
For Petitioner : Mr.K.Thenrajan

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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the learned I Additional District and Sessions Judge, Vellore, in C.A.No.34 of 2024, dated 28.02.2025, confirming the Judgment dated 20.03.2024 passed in C.C.No.723 of 2011 by the learned Judicial Magistrate (FTC), Vellore and enlarge the second petitioner on bail pending disposal of the above Criminal Revision.

2. The second petitioner herein is the accused in C.C.No.723 of 2011 on the file of the learned Judicial Magistrate (FTC), Vellore. He 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 and awarded to pay the cheque amount of Rs.4,57,711/- within a period of two months, in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a period of two months as default sentence. Aggrieved by the same, the petitioner had filed an appeal in Crl.A.No.34 of 2024 and the learned I Additional District and Sessions Judge, Vellore, by order dated 28.02.2025, had dismissed the above appeal, confirming the judgment and sentence imposed by the trial Court. Aggrieved



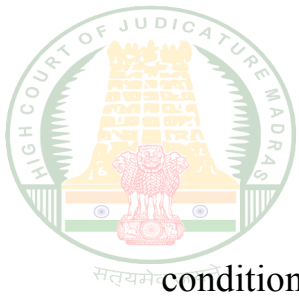
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by the same, the present revision has been filed.
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3. The learned counsel for the petitioners/accused would submit that there are arguable points available in the Criminal Revision Case and the petitioners/accused 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



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सत्यमेव जयते conditions:
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(i) the second petitioner shall deposit the entire cheque amount, i.e. Rs.4,57,711/- (Rupees Four Lakhs Fifty Seven Thousand Seven Hundred and Eleven only), after deducting the amount which was already deposited by the second petitioner, if any, to the credit of C.C.No.723 of 2011 on the file of learned Judicial Magistrate (FTC), Vellore, 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 petitioners/accused 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 petitioners/accused, shall be suspended, on his execution of a bond for a sum of Rs.25,000/- with two sureties,



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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;

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

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(2/3)

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

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G.K.ILANTHIRAIYAN, J.

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To

1. The I Additional District and Sessions Judge, Vellore
2. The Judicial Magistrate, Fast Track Court, Vellore.

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