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Crl.M.P No.10949 of 2025 in
Crl.R.C.No.749 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.10949 of 2025
in
Crl.R.C.No. 749 of 2025

S.Vidhya Rani Petitioner

Vs

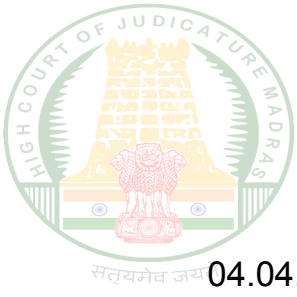
M.Selvaraj Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 438 and 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the substantive sentence imposed upon the petitioner by the judgment passed on 15.02.2023 made in S.T.C.No.185 of 2021 passed by the learned Judicial Magistrate FTC, Ambattur and confirmed by the learned III Additional District and Sessions Judge, Poonamallee dated 04.04.2025 and to enlarge the petitioner on bail.

For Petitioner : Mr.S.Chinnasamy

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned III Additional District and Sessions Judge, Poonamallee in C.A.No.70 of 2023, dated



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04.04.2025, confirming the Judgment dated 15.02.2023 passed in S.T.C No.185 of 2021 by the learned Judicial Magistrate, FTC Ambattur and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in S.T.C No.185 of 2021 on the file of the learned Judicial Magistrate, FTC, Ambattur. She was found guilty of the offence under Section 138 of the Negotiable Instruments Act and she has been convicted and sentenced to undergo simple imprisonment for a period of five months and to pay a sum of Rs.3,00,000/- with interest thereon at 6% per annum to the complainant from the date of complaint till the date of judgment, within one month, in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a period of one month as default sentence. Aggrieved by the same, the petitioner had filed appeal in Crl.A No.70 of 2025 and the learned District and Sessions Judge, Poonamallee, by order dated 04.04.2025, 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.



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3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Revision Case and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case 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 fact that the petitioner has 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 petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit the entire cheque amount, i.e. Rs.3,00,000/- [Rupees three lakhs only] along with interest thereon at the rate of 6% from the date of complaint till the date of judgment after deducting the amount which was already deposited by the petitioner, if any, to the credit of S.T.C No.185 of 2021 on the file of the learned Fast Track Court



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Magisterial Level) Ambattur, within a period of four weeks from today.

(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) Thereafter, the sentence of imprisonment alone, imposed on the petitioner/accused shall be suspended, on her 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 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;

(v) 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 revision petition and if she is not able to appear before the trial Court on any day, she shall make arrangements to file



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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;

(vi) On the failure of the petitioner/accused, depositing the above said amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

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

16.06.2025
(2/2)

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

ssd

To

1. The Fast Track Court (Magisterial LEvel)
Ambattur
2. The III Additional District & Sessions Judge,
Poonamallee

G.K.ILANTHIRAIYAN, J.



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