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Crl.M.P No.11079 of 2025 in
Crl.R.C.No.776 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.11079 of 2025
in
Crl.R.C.No. 776 of 2025

Udayakumar
S/o. Thukkaraman,
Srinithi Agencies,
3, Sivan North Street,
Madavilagam,
Sirkali Taluk,
Mayiladuthurai District.

...

Petitioner

Vs

R.Mariyappan
S/o. Chinnasamy
1-Cutchery Road,
Sirkali Taluk,
Mayiladuthurai District.

...

Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the appellant by the District Judge, Mayiladuthurai in Crl.A.No.14 of 2024 dated 18.11.2024 confirming the order of Judicial Magistrate Court, Sirkazhi in S.T.C.No.1434/2018 dated 20.03.2024 pending disposal of the above Criminal Appeal.



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For Petitioner : Mr.Sivakumar
for Mr.K.M.Vijayan Associates

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the District Judge, Mayiladuthurai in Crl.A.No.14 of 2024 dated 18.11.2024 confirming the order of Judicial Magistrate Court, Sirkazhi in S.T.C.No.1434/2018 dated 20.03.2024, pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in S.T.C.No.1434/2018 on the by an order dated 20.03.2024 on the file of learned Judicial Magistrate Court, Sirkazhi. He was found guilty of the offence under Section 138 of the Negotiable Instruments Act and he has been convicted and sentenced to undergo three months simple imprisonment and to pay the compensation amount of Rs.1,25,000/- within a period of two months and in default to undergo three simple imprisonment. Aggrieved by the same, the petitioner had filed appeal in C.A No.14 of 2024 and the learned District Judge, Mayiladuthurai, by a judgment dated 18.11.2024 had dismissed the above appeal. 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 of Rs.1,25,000/- deducting the amount paid already, if any, to the credit of S.T.C.No.1434/2018 on the file of learned Judicial Magistrate Court, Sirkazhi, within a period of four weeks from today (i.e.16.06.2025)



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(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 him 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 his Aadhar card or Bank pass Book and mobile numbers to ensure his 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 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



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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 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

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

To

1. The District Judge, Mayiladuthurai
2. The Judicial Magistrate Court, Sirkazhi

G.K.ILANTHIRAIYAN, J.

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