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Crl.MP.No.11220 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2025

CORAM:

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

Crl.M.P.No.11220 of 2025

in

Crl.RC.No.789 of 2025

K.Saminathan

...Petitioner

Vs.

G.Arunkumar

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) r/w 483 of BNSS, to suspend the sentence of imprisonment imposed in the judgment dated 13.12.2024 made in CA.No.224 of 2019 on the file of the I Additional Sessions Judge, Erode confirming the conviction imposed in judgment dated 28.08.2019 made in STC.No.580 of 2017 on the file of the Judicial Magistrate(Fast Track court No.1), Erode and enlarge the petitioner on bail pending disposal of the above revision petition.

For Petitioner : Mr.M.Guruprasad

ORDER

This Criminal Miscellaneous Petition has been filed praying to suspend the sentence of imprisonment imposed in the judgment dated 13.12.2024 made in CA.No.224 of 2019 on the file of the I Additional



Crl.MP.No.11220 of 2025

WEB COPY

Sessions Judge, Erode confirming the conviction imposed in judgment dated 28.08.2019 made in STC.No.580 of 2017 on the file of the Judicial Magistrate(Fast Track court No.1), Erode and to enlarge the petitioner on bail pending disposal of the above revision petition.

2. The petitioner herein is the accused in STC.No.580 of 2017 on the file of the Judicial Magistrate(Fast Track court No.1), Erode. 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 three years and to pay compensation of Rs.4,00,000/-, in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a period of one month. Aggrieved by the same, the petitioner had filed appeal in CA.No.224 of 2019 and the learned I Additional Sessions Judge, Erode, by order dated 13.12.2024, had confirmed the aforesaid conviction. However, the amount of compensation was modified as Rs.3,30,000/-. 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.4,00,000/- (Rupees Four Lakhs only)** after deducting the amount which was already deposited by the petitioner, if any, to the credit of STC.No.580 of 2017 on the file of the Judicial



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Crl.MP.No.11220 of 2025

Magistrate(Fast Track court No.1), Erode, 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 his 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



WEB COPY



Crl.MP.No.11220 of 2025

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;

(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.

18.06.2025
(2/3)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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Crl.MP.No.11220 of 2025

G.K.ILANTHIRAIYAN, J.

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To

- 1.I Additional Sessions Judge, Erode
- 2.The Judicial Magistrate(Fast Track court No.1), Erode

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(2/3)