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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2025

CORAM:

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

Crl.M.P.No.12860 of 2025
in
Crl.R.C.No. 962 of 2025

J.D.Muthu
S/o. J.M.Duraisamy
Now residing at
No.115/45, K.K.Nagar,
Tiruttani – 651 209. ... Petitioner

Vs

M.Udaya Kumar
S/o. Mr.Mani,
Ramapuram Village,
Chandraviasapuram post,
Ammaiyarkuppam (via)
Pallipattu Taluk,
Thiruvallur District. ... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Cr.P.C. / 528 BNSS, 2023 to suspend the sentence passed by the Hon'ble Judicial Magistrate, Tiruttani vide judgment dated 02.09.2023 made in STC No.30 of 2016 and confirmed by the I Additional District Sessions Judge, Tiruvallur, vide order dated 21.02.2025 made in C.A.No.209 of 2023.

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For Petitioner : Mr.P.Srinivasan

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed by the learned Judicial Magistrate, Tiruttani vide judgment dated 02.09.2023 made in STC No.30 of 2016 and confirmed by the I Additional District Sessions Judge, Tiruvallur, vide order dated 21.02.2025 made in C.A.No.209 of 2023.

2. The petitioner herein is an accused in STC No.30 of 2016 on the file of the Judicial Magistrate, Tiruttani. 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 ten months and to pay a compensation of Rs.1,21,000/- to the complainant under Section 357(3) Cr.P.C , within a period of two months, in default to undergo two months simple imprisonment. Aggrieved by the same, the petitioner had filed appeal in C.A No.209 of 2023 and the learned I Additional District Sessions Judge, Tiruvallur, by a judgment dated 21.02.2025 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 after deducting the amount, if any, already deposited,

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to the credit of STC No.30 of 2016 on the file of the Judicial Magistrate, Tiruttani, within a period of four weeks from today (i.e.03.07.2025)

(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 petition and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an

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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.

03.07.2025

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

1. The I Additional District Sessions Judge, Tiruvallur.

2. The Judicial Magistrate, Tiruttani

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