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Crl.M.P.No.13157 of 2025 in
Crl.R.C.No.983 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM:

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

Crl.M.P.No.13157 of 2025
in
Crl.R.C.No. 983 of 2025

Peter Arivarasan

.... Petitioner

Vs

Muruganantham

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed by the XXI Additional City Civil Court, Allikulam in C.A.No.575 of 2024 dated 05.06.2025 by confirming the sentence and conviction imposed by the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore @ Allikulam, Chennai in STC No.2281 of 2023 dated 25.07.2024 and enlarge him on bail pending disposal of the above criminal revision petition.

For Petitioner : Mr.S.Suresh

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned XXI Additional City Civil Court, Allikulam, Chennai, in C.A.No.575 of 2024, dated 05.06.2025,

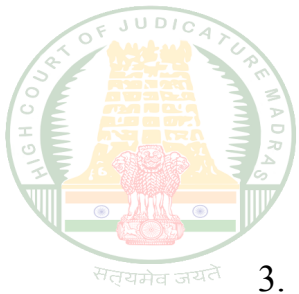


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confirming the Judgment dated 25.07.2024 passed in S.T.C No. 2281 of 2023 by the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore @ Allikulam, Chennai and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in S.T.C No. 2281 of 2023 on the file of the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore @ Allikulam, Chennai. 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.20,00,000/- within a period of thirty days, 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 C.A No.575 of 2024 and the learned XXI Additional City Civil Court, Allikulam, Chennai, by order dated 05.06.2025, 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 any condition to be imposed by this Court.

4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. Considering the submissions of the learned counsel for the petitioner, coupled with the quantum of punishment imposed upon the petitioner 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 conditions:



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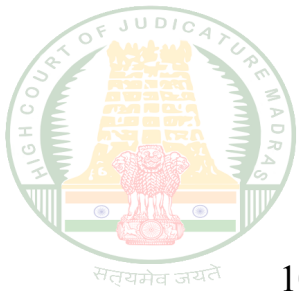
(i) the petitioner shall pay the entire cheque amount, i.e. Rs.20,00,000/- (Rupees Twenty Lakhs only), after deducting the amount which was already deposited by the petitioner, if any, directly to the respondent, on or before 18.08.2025 and shall produce the acknowledgement before the Trial Court. Failing which, the order passed by this Court shall stand automatically cancelled.

(ii) In the event of failure on the part of the petitioner/accused to pay the aforesaid amount within the stipulated time, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

(iii) Upon the petitioner making the payment as stated clause (i) supra, the sentence of imprisonment alone, imposed on the petitioner/accused, shall be suspended, on his execution of 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



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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.

07.07.2025
(2/3)

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

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To

1. The XXI Additional City Civil Court, Allikulam, Chennai.
2. The Metropolitan Magistrate, Fast Track Court No.II, Egmore @ Allikulam, Chennai



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G.K.ILANTHIRAIYAN, J.

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