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Crl.M.P.No.13899 of 2025  
in  
Crl.R.C.No.1057 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 16.07.2025**

CORAM :

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

**Crl.M.P.No.13899 of 2025**

**in**

**Crl.R.C.No.1057 of 2025**

S.Umapathy

... Petitioner

Vs.

D.Ganesan

... Respondent

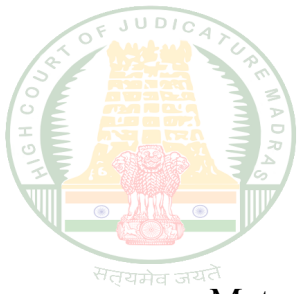
**Prayer :** Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, pleaded to suspend the sentence imposed by the learned Metropolitan Magistrate No.VII, George Town, Chennai in C.C.No.1027 of 2016 dated 06.03.2023 which was confirmed by the learned XVI Additional District and Sessions Judge, Chennai in Criminal Appeal No.187 of 2023 on 24.04.2024 pending disposal of the above Crl.R.C.

For Petitioner : Mr.W.M.Abdul Azeez

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**ORDER**

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned



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Metropolitan Magistrate No.VII, George Town, Chennai in C.C.No.1027 of 2016 dated 06.03.2023 which was confirmed by the learned XVI Additional District and Sessions Judge, Chennai in Criminal Appeal No.187 of 2023 on 24.04.2024, pending disposal of the above revision.

2. The petitioner herein is the accused in C.C.No.1027 of 2016 on the file of the learned Metropolitan Magistrate No.VII, George Town, Chennai. He was found guilty of the offence u/s 138 of the Negotiable Instruments Act and he has been convicted and sentenced to undergo simple imprisonment for a period of three months and ordered to pay the cheque amount of Rs.14,00,000/-, vide judgment dated 06.03.2023. Aggrieved by the same, the petitioner had filed an appeal in Crl.A.No.187 of 2023 before the learned XVI Additional District and Sessions Judge, Chennai, and the learned Sessions Judge, by judgment dated 24.04.2024, 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 deposit the entire cheque amount, i.e. Rs.14,00,000/- (Rupees Fourteen Lakhs only), after deducting the amount which was already deposited by the petitioner, if any, to the credit of C.C.No.1027 of 2016 on the file of learned Metropolitan Magistrate No.VII, George Town, Chennai, within a period of four weeks from today, failing which, the order passed by this Court shall stand automatically cancelled.

(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) 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.

(iv) On the petitioner depositing the amount 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;



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(v) 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;

(vi) 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 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.

**16.07.2025**  
(2/2)

Index : Yes / No  
Speaking order / Non-speaking order  
NCC : Yes / No  
sp

To

- 1.The XVI Additional District and Sessions Judge, Chennai.
- 2.The Metropolitan Magistrate No.VII, George Town, Chennai.



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**G.K.ILANTHIRAIYAN, J.**

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