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CRL MP No. 18196 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 18196 of 2025

IN

CRL RC NO. 1852 OF 2025

Arokiya Aswin

S/o.Arputharaj, S-3, A Block, Venus
Court, II Street, Andal Avenue, Jawahar
Nagar, Thiru-Vi-ka Nagar, Chennai-600
082

Petitioner(s)

Vs

K.Venkatesan

S/o.Kathirkaman, New No.25/Old
No.134, Thanthai Periyar nagar Main
Street, Ayanavaram, Chennai-600 023

Respondent(s)

PRAYER: To suspend the sentence passed in Crl.A.No.90 of 2025 vide judgement dated 08.04.2025 on the file of the XXI Additional Sessions Judge, Allikulam, Chennai, confirming the judgement passed in STC.No.1746 of 2022 dated 22.08.2023 on the file of the Metropolitan Magistrate, FTC-II, Allikulam, Chennai, vide order dated 22.08.2022.

For Petitioner(s): J.Ramesh



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For Respondent:

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend the sentence passed in CrI.A.No.90 of 2025 vide judgement dated 08.04.2025 on the file of the XXI Additional Sessions Judge, Allikulam, Chennai, confirming the judgement passed in STC.No.1746 of 2022 dated 22.08.2023 on the file of the Metropolitan Magistrate, FTC-II, Allikulam, Chennai, vide order dated 22.08.2022.

2. The petitioner herein is the accused in STC.No.1746 of 2022 on the file of the learned Metropolitan Magistrate, FTC-II, Allikulam, Chennai. He was found guilty of the offence under Sections 138 of Negotiable Instrument Act and the accused is convicted and sentence to undergo six months simple imprisonment under Section 255(2) of Cr.P.C. and directed to pay the cheque amount of Rs.9,45,000/- to the complainant under Section 357 of Cr.P.C. r/w 138 of Negotiable Instrument Act within 30 days, in default, the accused shall



undergo 2 months simple imprisonment. Aggrieved by the same, the petitioner filed an appeal in Crl.A No.90 of 2025, and by order dated 08.04.2025 on the

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file of the XXI Additional Sessions Judge, Allikulam, dismissed the appeal, thereby confirming the judgment and sentence imposed by the trial Court.

Hence, the present revision has been filed.

3. The learned counsel for the petitioner/accused submitted that he is having a valid defence available in the Criminal revision and the petitioner/accused has a fair chance of succeeding in the Criminal revision and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He also submitted that the petitioner is ready to abide the condition imposed by this Court.

4. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner, further this Criminal revision is not likely to be taken for final hearing in the near future, this Court is



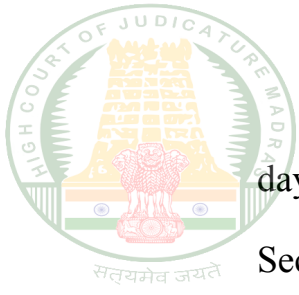
of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal revision, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees two Lakh only), to the credit of STC.NO.1746 of 2022, on the file of the Metropolitan Magistrate, FTC-II, Allikulam, Chennai, within a period of four weeks from the date of receipt of a copy of this order. Complainant is permitted to withdraw.

(b) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Metropolitan Magistrate, FTC-II, Allikulam, Chennai.

(c) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhar Cards or Bank Pass Books to ensure their identities.

(d) The petitioner shall appear before the Trial Court on every Saturday at 10.30 a.m., until the disposal of the Criminal revision and if he is not able to appear before the trial Court on any



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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.

5. With the above directions, this Criminal Miscellaneous Petition is ordered.

26-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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1. The XXI Additional Sessions Judge,
Allikulam, Chennai.
2. The Metropolitan Magistrate, FTC-II,
Allikulam, Chennai.
3. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI J.
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