



WEB COPY



Crl.M.P No.12171 of 2025 in
Crl.R.C.No.891 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2025

CORAM:

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

Crl.M.P.No.12171 of 2025
in
Crl.R.C.No. 891 of 2025

Y.Chinnappar
Proprietor M/s. Success & Commodity
16 / MG Road, Near Axis Bank,
Adyar, Chennai.

...

Petitioner

Vs

D.Sathish Kumar
S/o. David
2/21 Chellappampatti
Namakkal 637 019.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 528 r/w. 430 Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence in judgment in C.C.No.681/2021 dated 14.06.2024 passed by the Court of the Judicial Magistrate No.2, Namakkal and confirmed by judgment in Crl.A.No.141/2024 dated 26.02.2025 passed by the Court of I Additional District and Sessions Court, Namakkal and enlarge the petitioner on bail.



Crl.M.P No.12171 of 2025 in
Crl.R.C.No.891 of 2025

For Petitioner : Mr.P.N.Vignesh

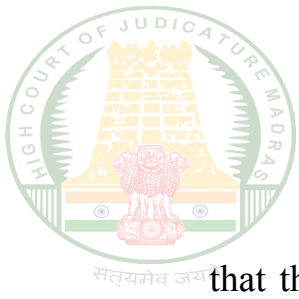
WEB COPY

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in Crl.A.No.141/2024 dated 26.02.2025 passed by the Court of I Additional District and Sessions Court, Namakkal and enlarge the petitioner on bail.

2. The petitioner herein is the accused in C.C.No.681 of 2021 on the file of the learned Judicial Magistrate No.2, Namakkal. 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 to pay a compensation of Rs.2,00,000/- to the complainant under Section 357(3) Cr.P.C r/w 138 of Negotiable Instruments Act, within a period of one months. Aggrieved by the same, the petitioner had filed appeal in C.A No.141 of 2024 and the learned I Additional District and Sessions Court, Namakkal, by a judgment dated 26.02.2025 had dismissed the above appeal. Aggrieved by the same, the present revision has been filed.

3. The learned counsel for the petitioner/accused would submit



Crl.M.P No.12171 of 2025 in
Crl.R.C.No.891 of 2025

WEB COPY

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 cheque amount of Rs.2,00,000/- to the credit of C.C.No.681 of 2021 on the file of the learned Judicial Magistrate No.2, Namakkal, within a period of four weeks from today (i.e.26.06.2025)

(ii) On such deposit being made, the trial Court shall



WEB COPY



Crl.M.P No.12171 of 2025 in
Crl.R.C.No.891 of 2025

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 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



WEB COPY



Crl.M.P No.12171 of 2025 in
Crl.R.C.No.891 of 2025

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.

26.06.2025

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



WEB COPY



Crl.M.P No.12171 of 2025 in
Crl.R.C.No.891 of 2025

G.K.ILANTHIRAIYAN, J.

bkn

To

1. The Judicial Magistrate No.2, Namakkal.
2. I Additional District and Sessions Court, Namakkal.

Crl.M.P.No.12171 of 2025
in
Crl.R.C.No. 891 of 2025

26.06.2025