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Crl.M.P No.13263 of 2025
in Crl.R.C.No.993 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM:

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

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in
Crl.R.C.No. 993 of 2025

1. M/s.G.M.Aqua Agencies,
Rep. by Mrs.K.Gomathi,
No.3/354, Main Road,
Vettaikarn Iruppu,
Nagapattinam-611 112.
Also at No.4/544, Main Raod,
Thantanthiruvasal,
Karapidagai (South),
Vettaikaran Iruppu,
Nagapattinam-611 112.

2.Tmt.Gomathi,
Authorized Signatory of
G.M.Auqa Agencies,
No.4/544 , Main Road,
Thanthanthiruvasal,
Karapidaagai (South),
Vettaikaran Iruppu,
Nagapattinam-611 112.

... Petitioner

Vs



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M/s.Grobest feeds Corporation (India) Pvt.Ltd.,
No.25/1A1B, Perambur-Red Hills Road,
Kathirvedu, Vinayagapuram,
Chennai-600 099,
Rep. by its Authorized Representative,
Mr.M.Manikandan

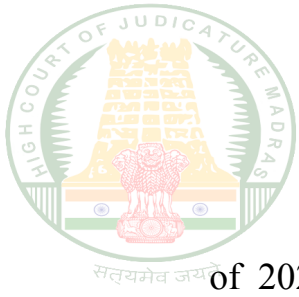
... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence and enlarge the petitioner on bail against the order passed by the Hon'ble XX Additional District Judge City Civil Court at Chennai dated 27.03.2025 in C.A.No.580 of 2024 confirming the conviction passed by the Metropolitan Magistrate/Fast Track Court No.V at Saidapet, Chennai in S.T.C.No.3026 of 2022 on 16.07.2024 for the offence punishable under Sec.138 of the N.I.Act accused is sentence to eight months simple imprisonment and enlarge him on bail.

For Petitioner : Mr.K.M.Balaji

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the Additional District Judge City Civil Court at Allikulam, Chennai dated 27.03.2025 in C.A.No.580 of 2024 confirming the conviction passed by the Metropolitan Magistrate/Fast Track Court No.V at Saidapet, Chennai in S.T.C.No.3026



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of 2022 on 16.07.2024 for the offence punishable under Sec.138 of the N.I.Act and enlarge the second petitioner on bail pending disposal of the above Criminal Revision Petition.

2. The petitioners herein are the accused in S.T.C.No.3026 of 2022 on 16.07.2024. She 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 eight months and to pay compensation of Rs.48,56,423/- to the complainant under Section 357(3) Cr.P.C r/w 138 of Negotiable Instruments Act, in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a period of three months as default sentence. Aggrieved by the same, the petitioner had filed an appeal C.A.No.580 of 2024 and the Additional District Judge City Civil Court, Chennai 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 petitioners/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 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 is granted on the following conditions:



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(i) The second petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit the entire cheque amount, after deducting the amount which was already deposited by the petitioner, if any, to the credit of C.C.No.580 of 2024 on the file of learned XX Additional City Civil Court @ Allikulam, Chennai, within a period of four weeks from . 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 second petitioner/accused, depositing the above said amount, it is open to the trial Court to commit the petitioners/accused into custody for undergoing the sentence.

(iv) On the second petitioner depositing the amount as stated clause (i) supra, the sentence of imprisonment alone, imposed on the petitioners/accused, shall be suspended, on his execution of a bond for a sum of Rs.25,000/- with two sureties,



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each for a likesum to the satisfaction of the trial court;

(v) The second 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 second 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.

07.07.2025
(2/3)

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



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G.K.ILANTHIRAIYAN, J.

Nhs

To

1. The XX Additional District Judge City Civil Court, Chennai
2. The Metropolitan Magistrate/Fast Track Court No.V,
Saidapet, Chennai.

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