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Crl.M.P No.12520 of 2025 in
Crl.R.C.No.1963 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2025

CORAM:

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

Crl.M.P.No.12520 of 2025

in

Crl.R.C.No. 1963 of 2024

B.Nanjan

....Petitioner

Vs

1. United Planters Association of
Southern India
rep. by its Secretary
Mr.Sanjith, Glenview, UPASI,
Coonoor, Nilgiris

2. The State rep. by
The Public Prosecutor,
Udhagamandalam

....Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentences imposed on the petitioner in C.A.No.6 of 2023 by the learned Sessions Judge, Court of Sessions Division of Nilgiris at Udhagamandalam, confirming the Judgment dated 16.12.2022 passed in S.T.C.No.70 of 2018 by the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor pending disposal of the above Criminal Revision.



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For Petitioner : Mr.A.Bobbli

For Respondents : Mr.K.V.Sridharan for R1

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking to suspend the sentences imposed on the petitioner in C.A.No.5 of 2023 by the learned Sessions Judge, Court of Sessions Division of Nilgiris at Udthagamandalam, confirming the Judgment dated 16.12.2022 passed in S.T.C.No.70 of 2018 by the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in S.T.C.No.70 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor. 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 6 months and to pay a compensation of Rs.1,00,000/- to the complainant under Section 357(3) Cr.P.C, within 3 months, in default of payment of compensation, the



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petitioner shall undergo a simple imprisonment for a period of two months as default sentence. Aggrieved by the same, the petitioner had filed appeal in Crl.A No.05 of 2023 and the learned Judicial Magistrate, Fast Track Court, Coonoor, by order dated 22.01.2024 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 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



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inclined to grant suspension of sentence and exempt the petitioner from surrendering before the trial court, 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 50% of the cheque amount, i.e. Rs.50,000/- (Rupees Fifty Thousand only) to the credit of STC.No.70 of 2018 on the file of learned Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor, Nilgiris within a period of two weeks from the date of release of the petitioner from the Central Prison, Coimbatore;

(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) Thereafter, the sentence of imprisonment alone, imposed on the petitioner/accused shall be suspended, on his executing a bond for a sum of



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Rs.10,000/- 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 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.



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6. With the above directions, this Criminal Miscellaneous Petition is

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ordered.

30.06.2025
(2/3)

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

ssd

To

1. The Sessions Judge, Court of Sessions Division of Nilgiris at
Udhagamandalam,

2. The learned Judicial Magistrate, Fast Track Court at Magisterial Level,
Coonoor

3. United Planters Association of
Southern India
rep. by its Secretary
Mr.Sanjith, Glenview, UPASI,
Coonoor, Nilgiris

4. The State rep. by
The Public Prosecutor,
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G.K.ILANTHIRAIYAN, J.

ssd

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