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CRL MP Nos. 17315 & 17317 of
2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP Nos. 17315 & 17317 of 2025

IN

CRL RC NO. 1696 OF 2025

C.Thangaraj

S/o. Chinnasamy, D.No.1A, Pattaiyappa
Nagar, Solipalayam, 15 Velampalayam,
Tiruppur - 641652.

Petitioner(s)

Vs

Sivasamy,

S/o. Senniappan, D.No.116, Bharathi
Nagar, 15 Velampalayam, Tiruppur.

Respondent(s)

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Section 438(1) r/w. 483 of BNSS, praying to suspend the sentence of imprisonment imposed in the judgment dated 13.03.2025 made in C.A.No.160 of 2022 on the file of the I Additional District and Sessions Judge, Tiruppur, confirming the conviction imposed in Judgement dated 26.09.2022 made in STC.No.532 of 2019 on the file of the Judicial Magistrate, (Fast Track Court, Tiruppur) and enlarge the petitioner on bail pending disposal of the above Revision Petition before this Hon'ble Court, and to exempt the petitioner from surrendering pending disposal of the above Criminal Revision Petition.



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For Petitioner(s): M.Guruprasad

For Respondent: Dr.C.E.Pratap
Government Advocate (Crl.Side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking suspension of sentence imposed by the learned I Additional District and Sessions Judge, Tiruppur, in S.T.C.No.532 of 2019 dated 26.09.2022 made in C.A.NO.160 of 2022, by the learned I Additional District and Sessions Judge, Tiruppur, dated 13.03.2025 till the disposal of the main Crl.R.C.No.1696 of 2025 and seeking to exempt the petitioner from surrendering before the trial Court pending disposal of the above revision petition.

2. The petitioner herein is the accused in S.T.C.No.532 of 2019 on the file of the Judicial Magistrate (Fast Track Court), Tiruppur. He was found guilty of the offence under Sections 138 of the Negotiable Instruments Act and the



accused was convicted under Section 255(2) Cr.P.C. And sentenced to undergo

6 months simple imprisonment for the offence under Section 138 of Negotiable

Instruments act and to pay the cheque amount of Rs.35,50,000/- within one

month under Section 357(3) Cr.P.C. and on failure to undergo further one month

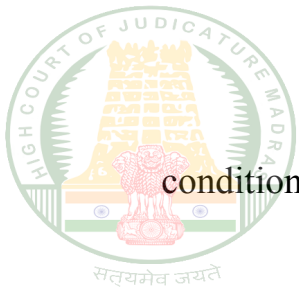
simple imprisonment. Aggrieved by the same, the petitioner had filed appeal in

Crl.A.No.160 of 2022 and the learned I Additional District and Sessions Judge,

Tiruppur, by an order dated 13.03.2025, had dismissed the appeal and confirmed

the conviction and sentence, against which 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. Further it is his specific submission that the petitioner was enlarged on bail during the time of pendency of the appeal before the first appellate Court and the petitioner may be exempted from surrendering before the Trial Court. He would submit that the petitioner is ready to abide the



condition imposed by this Court.

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4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing these petitions. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. 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 and the learned Government Advocate (Crl. Side) appearing for the respondent police, 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 Case, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on his 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 VIII Metropolitan Magistrate, George Town, Chennai.

(b) 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 Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) 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.



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With the above directions, these Criminal Miscellaneous Petitions

are ordered.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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- 1.The Judicial Magistrate (Fast Track)
Court, Tiruppur.
- 2.The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI J.
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