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Crl.M.P.No.12594 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.M.P.No.12594 of 2025
in Crl.R.C.No.592 of 2025

Bharakathnisha

... Petitioner

Vs.

Venkatesan

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence of imprisonment passed by the learned Principal District and Sessions Judge, Thiruvarur, dated 01.02.2025 in Criminal Appeal No.17 of 2023 confirming the conviction of sentence passed by the learned Judicial Magistrate-I, Mannargudi in S.T.C.No.1343 of 2014 dated 20.04.2023 and direct the release of the petitioner on pending disposal of the criminal revision petition.

For Petitioner : Mr.B.Jawahar

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Principal District and Sessions Judge, Thiruvarur, in Criminal Appeal No.17 of 2023 on 01.02.2025,



confirming the Judgment dated 20.04.2023 passed in S.T.C.No.1343 of 2014 by the learned Judicial Magistrate-I, Mannargudi and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner is the accused in S.T.C No.1343 of 2014 on the file of the learned Judicial Magistrate-I, Mannargudi. She was found guilty of the offence under Section 138 of the Negotiable Instruments Act and has been convicted and sentenced to undergo simple imprisonment for a period of 24 months and to pay a compensation of Rs.9,70,000/- to the complainant under Section 357(3) Cr.P.C. In default of payment of compensation, the petitioner shall undergo a simple imprisonment for a period of six months as a default sentence.

3. Aggrieved by the same, the petitioner had filed an appeal in Crl.A.No.17 of 2023 and the learned Principal District and Sessions Judge, Thiruvarur, by order dated 01.02.2025, had dismissed the above appeal, confirming the judgment and sentence imposed by the Trial Court. Challenging the same, the present revision has been filed.

4. The learned counsel for the petitioner/accused submitted 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 also submitted that the petitioner is ready to abide by the conditions imposed by this Court.

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5. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

6. 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 entire cheque amount, **i.e. Rs.4,85,000/- (Rupees Four lakhs and eighty five thousand only)** after deducting the amount which was already deposited by the petitioner, if any, to the credit of S.T.C No.1343 of 2014 on the file of the learned Judicial Magistrate No. I, Mannargudi, within a period of **four weeks from today**.

(ii) On such deposit being made, the trial Court shall re-deposit 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 her executing a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;



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(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 10.30a.m., until the disposal of the revision petition. If she 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 petitioners/accused, depositing the above said amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

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

01.07.2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

1. The Principal District and Sessions Judge, Thiruvavur.
2. The Judicial Magistrate-I, Mannargudi.



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G.K.ILANTHIRAIYAN, J.

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