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Crl.M.P No.12618 of 2025 in
Crl.R.C.No.947 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2025

CORAM:

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

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in
Crl.R.C.No. 947 of 2025

Velusamy,
S/o. Maruthakutty,
No.96, Palkarar Ramasamy Veedu,
2nd Street East, Athipalayam Road,
Chinna Vedampatty,
Coimbatore.

...

Petitioner

Vs

K.Jayaprabha
W/o. K.Sadasivam,
No.3/3, Maniakarar Thottam,
Varudhaiyengarar Palayam,
Kondampalayam P.O.,
Coimbatore.

...

Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the execution of sentence imposed on the petitioner in Crl.A.No.176 of 2020 dated 26.11.2024 by the learned III Additional District and Sessions Judge, Coimbatore, confirming the judgment in C.C.No.870 of 2014 dated 16.09.2020 passed by the learned Judicial Magistrate (Fast Track Court)



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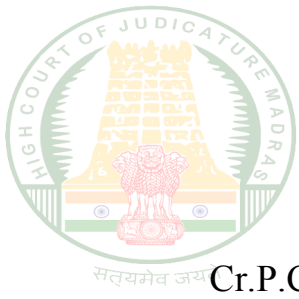
Magisterial Level-1, Coimbatore and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Petition.

For Petitioner : Ms.S.Sumathy

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the execution of sentence imposed on the petitioner in Crl.A.No.176 of 2020 dated 26.11.2024 by the learned III Additional District and Sessions Judge, Coimbatore, confirming the judgment in C.C.No.870 of 2014 dated 16.09.2020 passed by the learned Judicial Magistrate (Fast Track Court) Magisterial Level-1, Coimbatore and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Petition.

2. The petitioner herein is the accused in C.C.No.870 of 2014 on the file of the learned Judicial Magistrate (Fast Track Court) Magisterial Level-1, Coimbatore. 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.10,00,000/- to the complainant under Section 357(3)



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Cr.P.C r/w 138 of Negotiable Instruments Act, within a period of two months. Aggrieved by the same, the petitioner had filed appeal in C.A No.176 of 2020 and the learned III Additional District and Sessions Judge, Coimbatore by a judgment dated 26.11.2024 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 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 of Rs.10,00,000/- after deducting the amount, if any, paid already to the credit of C.C.No.870 of 2014 on the file of the Judicial Magistrate (Fast Track Court) Magisterial Level-1, Coimbatore, within a period of four weeks from today (i.e.01.07.2025)

(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 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



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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.

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

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G.K.ILANTHIRAIYAN, J.

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To

1. The Judicial Magistrate (Fast Track Court) Magisterial Level-1,
Coimbatore
2. The III Additional District and Sessions Judge, Coimbatore.

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