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Crl.M.P No.13938 of 2025 in  
Crl.R.C.No.1091 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2025

CORAM:

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

Crl.M.P.No.13938 of 2025  
in  
Crl.R.C.No. 1091 of 2025

1. M/s Deo Health Care Pvt., Ltd.,  
rep. by its CEO & Managing Director,  
Mr.V.Sooryanarayanan  
Office at No.1/735, Karthikeyapuram,  
7th street, Madipakkam, Chennai - 600 091

2. V.Sooryanarayanan

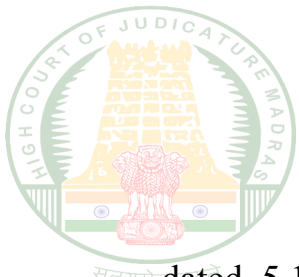
.... Petitioners

Vs

M/s Bergey Pharmaceuticals  
rep. by its Proprietor  
Mr.M.Sekhar  
No.58, Balaji Nagar, 3rd street,  
Padi, Chennai - 600 050

.... Respondent

**PRAYER:** Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence of imprisonment imposed in the judgment dated 11.03.2025 made in C.A.No.26 of 2020 on the file of the learned Additional District and Sessions Judge No.II, Thiruvallur @ Poonamallee, confirming the conviction imposed in judgment



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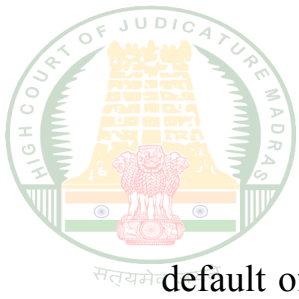
dated 5.10.2020 made in S.T.C.No.261 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court, Ambattur and enlarge the petitioner on bail pending disposal of the above revision petition.

For Petitioners : Mr.N.V.Prakash

### **ORDER**

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed in the judgment dated 11.03.2025 made in C.A.No.26 of 2020 on the file of the learned Additional District and Sessions Judge No.II, Thiruvallur @ Poonamallee, confirming the conviction imposed in judgment dated 05.10.2020 made in S.T.C.No.261 of 2016 on the file of the learned Judicial Magistrate Fast Track Court, Ambattur and enlarge the petitioners on bail pending disposal of the above revision petition.

2. The petitioners herein are the accused in S.T.C No. 261 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court, Ambattur. They were found guilty of the offence under Section 138 of the Negotiable Instruments Act and the petitioners have been convicted and 2nd petitioner is sentenced to undergo simple imprisonment for a period of nine months and the petitioners jointly awarded to pay the cheque amount of Rs.7,47,852/-, in



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default of payment of compensation, the 2nd petitioner shall undergo a simple imprisonment for a period of two months as default sentence. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.26 of 2020 and the learned II Additional District and Sessions Judge, Thiruvallur @ Poonamallee, by order dated 11.03.2025, 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.

3. The learned counsel for the petitioners/accused would submit that there are arguable points available in the Criminal Revision Case and the petitioners/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioners/accused may be suspended. He would submit that the petitioners are ready to abide any condition to be imposed by this Court.

4. Heard the learned counsel appearing for the petitioners and also perused the materials placed on record.

5. Considering the submissions of the learned counsel for the petitioners, coupled with the quantum of punishment imposed upon the



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petitioners 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 are granted on the following conditions:

(i) the petitioners shall deposit the entire cheque amount, i.e. Rs.7,47,852/- (Rupees Seven Lakhs Forty Seven Thousand Eight Hundred and fifty two only), after deducting the amount which was already deposited by the petitioners, if any, to the credit of STC.No.261 of 2016 on the file of learned Judicial Magistrate, Fast Track Court, Magisterial Level, Ambattur, within a period of four weeks from today. 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;



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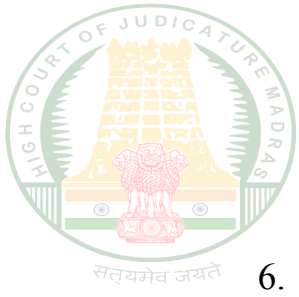
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(iii) On the failure of the petitioners/accused depositing the above said amount, it is open to the trial Court to commit the petitioners/accused into custody for undergoing the sentence.

(iv) On the petitioners depositing the amount as stated clause (i) supra, the sentence of imprisonment alone, imposed on the petitioners/accused, shall be suspended, on their execution of a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;

(v) The petitioners 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 petitioners 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 they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court;



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ordered.

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

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(2/2)

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

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**G.K.ILANTHIRAIYAN, J.**

ssd

To

1. The II Additional District and Sessions Judge,  
Thiruvallur @ Poonamallee
2. The Judicial Magistrate, Fast Track Court,  
Magisterial Level, Ambattur

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