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Crl.M.P No.14494 of 2025 in
Crl.R.C.No.1212 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM:

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

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in
Crl.R.C.No. 1212 of 2025

J.Helan Vidhya
D/o. M.Jebamani
Plot No.219, S.V.Nagar,
No.89, Perumalpattu Village,
Thiruninravur,
Tiruvallur District.

.... Petitioner

Vs

V.K.Chengalvarayan
S/o. V.K.Kirubanandam,
Agananooru Street, 1st Cross,
Sri Sakthi Nagar, Annanur,
Chennai – 600 109.

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) r/w 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed in S.T.C.No.329 of 2017 on the file of the learned Judicial Magistrate Fast Tract Court Magisterial Level No.II, Poonamallee, Tiruvallur District dated 23.05.2019 confirming the judgment and



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conviction made in C.A.No.99 of 2019 on the file of the III Addiitonal District and Sessions Court, Poonamallee, tiruvallur District dated 28.07.2023 and enlarge the petitioner on bail pending disposal of this revision petition.

For Petitioner : Mr.A.J.Mohamed Kassim

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking to suspend the sentence imposed in S.T.C.No.329 of 2017 on the file of the learned Judicial Magistrate Fast Track Court, Magisterial Level No.II, Poonamallee, Tiruvallur District dated 23.05.2019 confirming the judgment and conviction made in C.A.No.99 of 2019 on the file of the III Addiitonal District and Sessions Court, Poonamallee, Tiruvallur District dated 28.07.2023 and enlarge the petitioner on bail pending disposal of this revision petition.

2. The petitioner herein is the accused in S.T.C.No.329 of 2017 on the file of the learned Judicial Magistrate Fast Track Court Magisterial Level No.II, Poonamallee, Tiruvallur District. He was found guilty of the



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offence under Section 138 of the Negotiable Instruments Act and he has been convicted and sentenced to undergo simple imprisonment for a period of 24 months and to pay a compensation of Rs.8,00,000/- to the complainant within a period of two months, in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a period of six months as default sentence. Aggrieved by the same, the petitioner had filed appeal in C.A No.99 of 2019 and the learned III Additional District & Sessions Judge, Poonamallee, Tiruvallur District, by order dated 28.07.2023 has confirmed 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 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.



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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 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 and the petitioner shall deposit 20% of the entire cheque amount, to the credit of S.T.C.No.329 of 2017 on the file of the learned Judicial Magistrate Fast Track Court Magisterial Level No.II, Poonamallee, Tiruvallur District, within a period of two weeks from the date of his release from the prison. Failing which, this order automatically stands cancelled and the trial Court or the police officials are at liberty to secure the petitioner to undergo the sentence and conviction imposed by the trial Court.

(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



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at the culmination of the Criminal Revision Case;

(iii) 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 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
ordered.

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

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1. The Judicial Magistrate Fast Track Court Magisterial Level No.II,
Poonamallee, Tiruvallur District.
2. The III Additional District and Sessions Court, Poonamallee.
3. The Superintendent, Central Prison, Puzhal.



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G.K.ILANTHIRAIYAN, J.

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