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Crl.M.P.No.14119 of 2025 in
Crl.R.C.No.1123 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2025

CORAM:

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

Crl.M.P.No.14119 of 2025
in
Crl.R.C.No. 1123 of 2025

1.M/s.South Indian Gas Agencies (P) Ltd.,
Rep. By its Chairman cum Managing Director
Dr.K.Rajendran

2. Dr.K.Rajendran
Chairman cum Managing Director
M/s.South Indian Gas Agencies (P) Ltd.
Factory Address : No.1, Govindhapuram
High Road, Gundadam Post,
Dharapuram Taluk,
Tiruppur District – 638 702.

.... Petitioners

Vs

K.A.Sivagami

..... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence of conviction order passed in STC No.275 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court No.I at Erode dated 04.04.2018 and confirmed in C.A.No.167 of 2018 on the file of the learned I Additional Sessions Judge at Erode dated 28.01.2025 against the petitioners and enlarge the petitioners on bail pending disposal of the Criminal Revision Petition.



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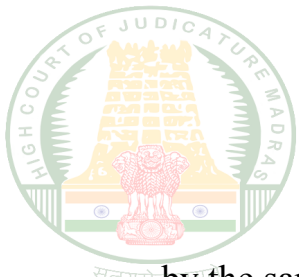
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For Petitioners : Mr.A.Sathish Kumar

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the learned I Additional Sessions Judge, Erode in Crl.A.No.167 of 2018, dated 28.01.2025, confirming the Judgment dated 04.04.2018 passed in S.T.C No. 275 of 2017 by the learned Judicial Magistrate, Fast Track Court No.I, Erode and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioners herein are the accused in S.T.C No. 275 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court No.I, Erode. The petitioners found guilty of the offence under Section 138 of the Negotiable Instruments Act and the second petitioner has been convicted and sentenced to undergo simple imprisonment for a period of ten months and awarded to pay double the cheque amount of Rs.10,00,000/-, in default of payment of compensation, the 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.167 of 2018 and the learned I Additional Sessions Judge, Erode, by order dated 28.01.2025, had dismissed the above appeal, confirming the judgment and sentence imposed by the Trial Court. Aggrieved



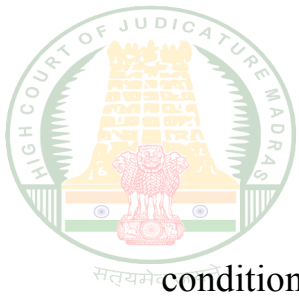
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by the same, the present revision has been filed.
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3. The learned counsel for the petitioners would submit that there are arguable points available in the Criminal Revision Case and the petitioners have got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioners 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 second petitioner 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



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सत्यमेव जयते conditions:
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(i) the second petitioner shall deposit the entire cheque amount, i.e. Rs.5,00,000- (Rupees Five Lakhs only), after deducting the amount which was already deposited by the petitioner, if any, to the credit of STC.No.275 of 2017 on the file of learned Judicial Magistrate, Fast Track Court No.I, Erode, 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;

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

(iv) On the second petitioner depositing the amount as stated clause (i) supra, the sentence of imprisonment alone, imposed on the second petitioner/accused, shall be suspended, on his execution of a bond for a sum of Rs.25,000/- with two sureties,



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each for a likesum to the satisfaction of the trial court;

(v) The second 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;

(vi) The second 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;

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

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(5/6)

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

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G.K.ILANTHIRAIYAN, J.

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To

1. The I Additional Sessions Judge, Erode.
2. The Judicial Magistrate, Fast Track Court No.I, Erode.

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