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Crl.M.P No.14467 of 2025 in
Crl.R.C.No.838 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM:

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

Crl.M.P.No.14467 of 2025
in
Crl.R.C.No. 838 of 2025

Mr.M.Senthil
S/o. Mr.Moorthy,
No.19/17, Ramu Colony,
2nd Street,K.G.Lay out,
Kongu Main Road,
Tiruppur District.

....

Petitioner

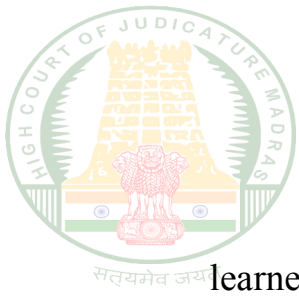
Vs

M/s.Sri Pon Alagu Auto Finance,
Rep. by Partner Mr.Nandakumar,
No.4/1104, Kulandhaippa Complex,
Erode Main Road,
Kullampalayam Post,
Gobichettipalayam Taluk,
Erode District.

....

Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend sentence of conviction order passed in S.T.C.No.427 of 2018 on the file of the learned Judicial Magistrate No.I, Gobichettipalayam vide order dated 28.12.2023 and confirmed in CA No.54 of 2024 dated 28.02.2025 on the file of the



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learned III Additional District Judge, Gobichettipalayam dated 28.02.2025
against the petitioner pending disposal of the above revision.

For Petitioner : Mr.V.Vadivalagia Nambi
For Respondent : Mr.L.P.Shanmugasundaram

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, to suspend sentence of conviction passed in S.T.C.No.427 of 2018 on the file of the learned Judicial Magistrate No.I, Gobichettipalayam vide order dated 28.12.2023 and confirmed in CA No.54 of 2024 dated 28.02.2025 on the file of the learned III Additional District Judge, Gobichettipalayam, against the petitioner pending disposal of the above revision.

2. The petitioner herein is the accused in S.T.C.No.427 of 2018 on the file of the learned Judicial Magistrate No.I, Gobichettipalayam. 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 one year and to pay Rs.7,00,000/- as compensation to the complainant, within a period of two months. Aggrieved by the same, the petitioner had filed appeal in C.A No.54 of 2024 and the



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learned III Additional District Judge, Gobichettipalayam, by an order dated 28.02.2025, has 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 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 are 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, i.e. Rs.7,00,000/- after deducting the amount which was already deposited by the petitioner, if any, to the credit of S.T.C.No.427 of 2018 on the file of the learned Judicial Magistrate No.I, Gobichettipalayam, within a period of four weeks from today.

(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



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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;

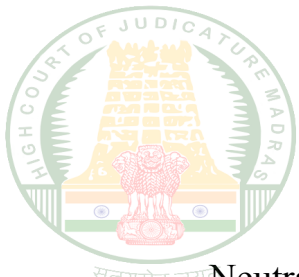
(v) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision petition and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 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 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.

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

25.07.2025

Index : Yes/No



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

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- To
1. The Judicial Magistrate No.I, Gobichettipalayam.
 2. The III Additional District Judge, Gobichettipalayam.



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G.K.ILANTHIRAIYAN, J.

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