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Crl.MP.No.13764 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2025

CORAM:

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

Crl.M.P.No.13764 of 2025

in

Crl.RC.No.1068 of 2025

P.Senthilkumar

...Petitioner

Vs.

P.Ragunathan

... Respondent

**PRAYER:** Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, 2023, praying to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 07.04.2025 made in Crl.A.No.43 of 2019 on the file of the III Additional District & Sessions Judge, Dharmapuri confirming the conviction and sentence imposed in the judgment dated 25.03.2019 made in CC.No.11 of 2016 on the file of the Judicial Magistrate, Kangayam pending disposal of the above revision petition before this Court and to enlarge the petitioner on bail.

For Petitioner : Mr.R.Prabakar

**ORDER**

This Criminal Miscellaneous Petition has been filed praying to suspend the sentence of imprisonment imposed on the petitioner in the



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judgment dated 07.04.2025 made in Crl.A.No.43 of 2019 on the file of the

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III Additional District & Sessions Judge, Dharmapuri confirming the conviction and sentence imposed in the judgment dated 25.03.2019 made in CC.No.11 of 2016 on the file of the Judicial Magistrate, Kangayam pending disposal of the above revision petition before this Court and to enlarge the petitioner on bail.

2. The petitioner herein is the accused in CC.No.11 of 2016 on the file of the Judicial Magistrate, Kangayam. 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 fine of Rs.5,000/-, in default of payment of that fine, the petitioner shall undergo a simple imprisonment for a period of 30 days. Aggrieved by the same, the petitioner had filed appeal in Crl.A.No.43 of 2019. However, the learned III Additional District & Sessions Judge, Dharmapuri, by order dated 07.04.2025, confirmed the judgment of the trial court, against which criminal revision has been filed along with the present petition.



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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 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.2,00,000/- (Rupees Two Lakhs only)** after deducting the amount which was already



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deposited by the petitioner, if any, to the credit of CC.No.11 of 2016 on the file of the Judicial Magistrate, Kangayam, 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 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



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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.

14.07.2025  
(2/3)

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 III Additional District & Sessions Judge, Dharmapuri
- 2.The Judicial Magistrate, Kangayam

Crl.M.P.No.13764 of 2025  
in  
Crl.RC.No.1068 of 2025

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(2/3)



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in  
Crl.R.C.No.1068 of 2025

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

Today the matter is listed under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner has brought to the notice of this Court that in the prayer portion, paragraph Nos.1 & 2 and the address portion of order dated 14.07.2025 in Crl.M.P.No.13764 of 2025 in Crl.R.C.No.1068 of 2025, the place name has been erroneously stated as “Dharmapuri” instead of “Dharapuram”.

3. Accepting the submission made by the learned counsel for the petitioner, the prayer portion, paragraph Nos.1 & 2 and the address portion of order dated 14.07.2025 in Crl.M.P.No.13764 of 2025 in Crl.R.C.No.1068 of 2025 shall stand corrected to read as “Dharapuram”.



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

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4. In all other aspects, the order dated 14.07.2025 in Crl.M.P.No.13764 of 2025 in Crl.R.C.No.1068 of 2025 shall remain unaltered.

5. Registry is directed to carry out the necessary correction in the order dated 14.07.2025 in Crl.M.P.No.13764 of 2025 in Crl.R.C.No.1068 of 2025 and issue a fresh order copy.

21.07.2025

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in  
Crl.R.C.No.1068 of 2025