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Crl.M.P No.13483 of 2025 in
Crl.R.C.No.1028 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2025

CORAM:

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

Crl.M.P.No.13483 of 2025
in
Crl.R.C.No. 1028 of 2025

1. Karthi Kumar Sathivadivel
S/o. Sathivadivel
Door No.10/80-A2, Dr.Ambedkar Nagar,
Donnington Bridge, Coonoor – 643 101
The Nilgiris.

2. A.Mary Jerina
W/o. Karthi Kumar Sathivadivel
Pretty Star Beauty Parlor,
V.V.R.Complex, Mount Road,
Coonoor – 643 102, The Nilgiris.

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Petitioner

Vs

1. R.Chandran
S/o. J.Raju
Door No.137-1, Near NTB Buildings,
Mount Road, Coonoor – 643 102.

2. The State of Tamil Nadu
Represented by the Public Prosecutor,
The Nilgiris.

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Respondents



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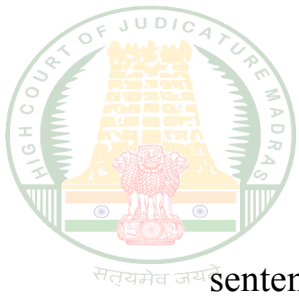
PRAYER: Criminal Miscellaneous Petition filed under Section 438(3) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the petitioner by judgment dated 26.12.2023 passed in Crl.A.No.12/2022 on the file of Sessions Judge, Magalir Neethimandram (FTMC) Udhagamandalam, The Nilgiris, confirmed the order dated 05.04.2022 made in S.T.C.No.50/2017 on the file of learned Judicial Magistrate, Fast Track Court Magisterial Level at Coonoor pending disposal of the above appeal enlarge the petitioner on bail.

For Petitioners : Mr.V.T.Narendiran

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend the sentence imposed on the petitioner by a judgment dated 26.12.2023 passed in Crl.A.No.12/2022 on the file of Sessions Judge, Magalir Neethimandram (FTMC) Udhagamandalam, The Nilgiris, pending disposal of the above appeal and enlarge the petitioners on bail.

2. The petitioners herein are the accused in S.T.C No.50 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court Magisterial Level at Coonoor. They were found guilty of the offence under Section 138 of the Negotiable Instruments Act and they have been convicted and



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sentenced to undergo simple imprisonment for a period of six months and to pay a compensation of Rs.3,57,000/- to the complainant under Section 357(3) of Cr.P.C within a period of two months, in default of payment of compensation, the petitioners shall undergo a simple imprisonment for a period of two months. Aggrieved by the same, the petitioners have filed appeal in Crl.A No.12 of 2022 and the learned Sessions Judge, Magalir Neethimandram (FTMC) Udhagamandalam, The Nilgiris, by a judgment dated 26.12.2023 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 the condition imposed by this Court.

4. Heard the learned counsel appearing for the petitioners and



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also perused the materials placed on record.

5. Considering the fact that the petitioners have 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 petitioners are ordered to be enlarged on bail, on condition that the petitioners shall deposit the entire cheque amount of Rs.3,57,000/- deducting the amount already paid, if any, to the credit of S.T.C No.50 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court Magisterial Level at Coonoor, 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 petitioners/accused shall be suspended, on their executing a bond for a sum of Rs.25,000/- with two



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

(iv) 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;

(v) 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 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 their 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 petitioners/accused into custody for undergoing the sentence.

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



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ordered.
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1. The Judicial Magistrate, Fast Track Court Magisterial Level at Coonoor
2. The Sessions Judge, Magalir Neethimandram (FTMC) Udhagamandalam, The Nilgiris.
3. The Public Prosecutor,
The Nilgiris.



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G.K.ILANTHIRAIYAN, J.

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