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CRL MP No. 19000 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP Nos. 19000 & 19002 of 2025

IN CRL RC NO. 2017 OF 2025

A.V.Venkatesan

S/o.Vijayan, No.10-F, 1st Cross Street,
Santhi Nagar, Krishnagiri.

Petitioner(s)

Vs

K.H.Frankelin

S/o.Nathan, Secretary, D.K.Sami
School, Bangalore Road, Krishnagiri.

Respondent(s)

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Section 438(1) & 528 of BNSS, praying to suspend the sentence imposed in C.A.No.16 of 2019 on the file of the Principal District and Sessions Judge, Krishnagiri, dated 18.09.2024 by confirming the conviction and sentence passed in judgement dated 19.12.2018 made in STC.No.163 of 2015 on the file of the Judicial Magistrate Court No.I at Krishnagiri and to exempt the petitioner from surrendering pending disposal of the above Criminal Revision Petition.

For Petitioner(s): Mr.D.Ashokkumar



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For Respondent:

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking suspension of sentence imposed in C.A.No.16 of 2019 on the file of the Principal District and Sessions Judge, Krishnagiri, dated 18.09.2024 by confirming the conviction and sentence passed in judgement dated 19.12.2018 made in STC.No.163 of 2015 on the file of the Judicial Magistrate Court No.I at Krishnagiri and to exempt the petitioner from surrendering pending disposal of the above Criminal Revision Petition.

2. The petitioner herein is the accused in STC.No.163 of 2015 on the file of the Judicial Magistrate Court No.I, Krishnagiri. The accused was convicted under Section 138 of Negotiable Instrument Act and sentenced to undergo simple imprisonment of 1 year and to pay Rs.1,00,000/- (One Lakh only) as compensation under Section 357(3) Cr.P.C., to the complainant and in default, to pay the compensation amount to undergo simple imprisonment for one month. Aggrieved by the same, the petitioner had filed appeal in C.A.No.16 of



2019 on the file of the Principal District and Sessions Judge, Krishnagiri, was dismissed on 18.09.2024, confirming the conviction and sentence, against which the present revision has been filed.

3. The learned counsel for the petitioner/accused submitted that he is having a valid defence available in the Criminal revision and the petitioner/accused has a fair chance of succeeding in the Criminal revision and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He also submitted that the petitioner is ready to abide the condition imposed by this Court.

4. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner, further 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, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Thirty thousand only), to the credit of STC.No.163 of 2015 on the file of the Judicial Magistrate No.I, Krishnagiri, within a period of two weeks from the date of receipt of a copy of this order.

(b) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, out of which one surety shall be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Krishnagiri.

(c) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhar Cards or Bank Pass Books to ensure their identities.

(d) The petitioner shall appear before the Trial Court on every Saturday at 10.30 a.m., until the disposal of the Criminal revision and if he is not able to appear before the trial Court on any



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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.

5. With the above directions, the suspension of sentence filed by the petitioner in CrI.MP.No.19000 of 2025 is ordered. Consequently, the petitions filed by the petitioner in CrI.M.P.No.19002 of 2025 seeking exemption from surrendering before the trial Court, is closed accordingly.

10-11-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

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1.K.H.Frankelin

S/o.Nathan, Secretary, D.K.Sami
School, Bangalore Road, Krishnagiri.

2.The Principal District and Sessions
Judge, Krishnagiri.

3.The Judicial Magistrate Court No.I at
Krishnagiri.

4.The Public Prosecutor,
High Court of Madras, Chennai.



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T.V.THAMILSELVI J.
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