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Crl.M.P.No.14255 of 2025 in
Crl.R.C.No.1158 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2025

CORAM:

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

Crl.M.P.No.14255 of 2025
in
Crl.R.C.No.1158 of 2025

R.Kalaivani

.... Petitioner

Vs

D.Arumugam

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to suspend the sentence imposed by the learned Metropolitan Magistrate, Fast Track Court No.2, Egmore @ Allikulam, Chennai-3 in CC.No.375 of 2014 dated 06.01.2024 confirmed by the learned XVII Additional Judge, City Civil Court at Chennai in CA.No.52 of 2024 dated 07.04.2025 and enlarge the petitioner on bail pending disposal of the above revision.

For Petitioner : Mr.R.Ganesh Kumar



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ORDER

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This Criminal Miscellaneous Petition has been filed praying to suspend the sentence imposed by the learned Metropolitan Magistrate, Fast Track Court No.2, Egmore @ Allikulam, Chennai-3 in CC.No.375 of 2014 dated 06.01.2024 confirmed by the learned XVII Additional Judge, City Civil Court at Chennai in CA.No.52 of 2024 dated 07.04.2025 and enlarge the petitioner on bail pending disposal of the above revision.

2. The petitioner herein is the accused in CC.No.375 of 2014 on the file of the learned Metropolitan Magistrate, Fast Track Court No.2, Egmore @ Allikulam, Chennai-3. He was found guilty of the offence under Section 138 of the Negotiable Instruments Act and he has been convicted and sentenced to undergo six months simple imprisonment and to pay compensation of a sum of Rs.4,00,000/- being the cheque amount, in default, to undergo further two months simple imprisonment. Aggrieved by the same, the petitioner had filed an appeal in CA.No.52 of 2024 and the learned XVII Additional Judge, City Civil Court at Chennai by order dated 07.04.2025, had 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



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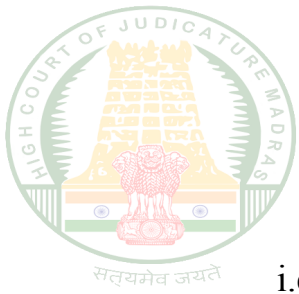
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there are arguable points available in the Criminal Revision Case and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide any condition to be imposed by this Court.

4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. Considering the submissions of the learned counsel for the petitioner, coupled with the quantum of punishment imposed upon the 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 conditions:

(i) the petitioner shall deposit the entire cheque amount,



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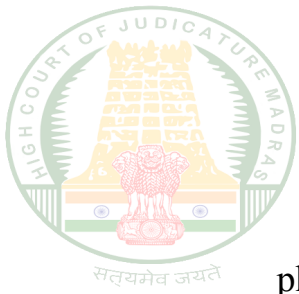
i.e. Rs.4,00,000/- (Rupees Four Lakhs only), after deducting the amount which was already deposited by the petitioner, if any, to the credit of CC.No.375 of 2014 on the file of the learned Metropolitan Magistrate, Fast Track Court No.2, Egmore @ Allikulam, Chennai-3, within a period of four weeks from today, failing which the present order of 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 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.

(iv) On the petitioner's depositing the amount as stated in clause (i) supra, the sentence of imprisonment alone, imposed on the petitioner/accused, shall be suspended, on her execution of a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;

(v) The petitioner and the sureties shall affix their



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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 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 she is not able to appear before the trial Court on any day, she 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 her absence, as directed by the trial Court;

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

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(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 learned Metropolitan Magistrate, Fast Track Court No.2, Egmore @
Allikulam, Chennai-3
- 2.The learned XVII Additional Judge, City Civil Court at Chennai

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