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Crl.M.P No.14500 of 2025 in
Crl.R.C.No.1034 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM:

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

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in
Crl.R.C.No. 1034 of 2025

N.P.Viswanathan
S/o. N.S.Pinagapany,
No.274/1, First Floor,
(NSP Vidhyapeetam School Campus)
M.T.H.Road, Villivakkam,
Chennai – 600 049.

....

Petitioner

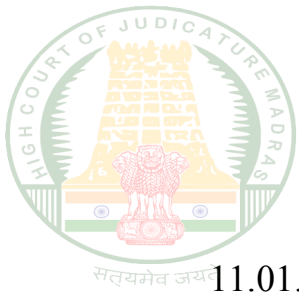
Vs

M.Siva Sankar
S/o. C.Masilamani
No.30/21, Venkatachala Achari Street,
Pudhupet, Chennai – 600 002.

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Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 340(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend sentence imposed on the petitioner on 25.03.2025 in Criminal Appeal No.110 of 2024 by the II Additional Sessions Judge, City Civil Court at Chennai – 104, and thereby confirmed the conviction and sentence passed by the learned Metropolitan Magistrate (Fast Track Court – II), Egmore at Allikulam in Chennai on



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11.01.2024 in C.C.No.7229 of 2019.

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For Petitioners : Mr.T.V.Vineeth Kumar

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, to suspend sentence imposed on the petitioner on 25.03.2025 in Criminal Appeal No.110 of 2024 by the II Additional Sessions Judge, City Civil Court at Chennai – 104, thereby confirming the conviction and sentence passed by the learned Metropolitan Magistrate (Fast Track Court – II), Egmore at Allikulam in Chennai on 11.01.2024 in C.C.No.7229 of 2019.

2. The petitioner herein is the accused in C.C.No.7229 of 2019 on the file of the Metropolitan Magistrate (Fast Track Court – II), Egmore at Allikulam in Chennai. 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 six months and to pay the cheque amount as compensation to the complainant, in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a



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period of two month as default sentence. Aggrieved by the same, the petitioner had filed appeal in Crl.A No.110 of 2024 and the learned II Additional Sessions Judge, City Civil Court, Chennai, by an order dated 25.03.2025, 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.



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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.5,00,000/- (Rupees Five lakhs only)** after deducting the amount which was already deposited by the petitioner, if any, to the credit of C.C.No.7229 of 2019 on the file of the Metropolitan Magistrate (Fast Track Court – II), Egmore at Allikulam in Chennai, 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



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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 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.



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

25.07.2025

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

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1. The Metropolitan Magistrate (Fast Track Court – II),
Egmore, Allikulam, Chennai
2. The II Additional Sessions Judge, City Civil Court, Chennai.



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G.K.ILANTHIRAIYAN, J.

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