



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 22587 of 2025

and

CRL RC No. 2554 of 2025

CHINNASAMY

S/o.Ramasamy,

146, Surya Nagar, Samalapuram Post,

Ichipatti, Karugampalayam,

Palladam-841668, Tiruppur Taluk.

..Petitioner(s)

Vs

VEERAMALAI

S/o.Perumal, 53A, West Street,

Mangalam Via, Samalapuram Post, Palladam

Taluk, Tiruppur District- 641 663.

..Respondent(s)

To suspend the sentence imposed on the petitioner by a judgment dated 22.04.2024 made in Crl.A.No.90/2023 on the file of the Learned III Additional District and Sessions Judge, Coimbatore, in confirming the judgement dated 20.09.2022 made in CC No.94/2018, on the file of the Judicial Magistrate, Sulur, Coimbatore District pending disposal of this Criminal Revision.

For Petitioner(s):

Mr. P.Kalimuthu

ORDER

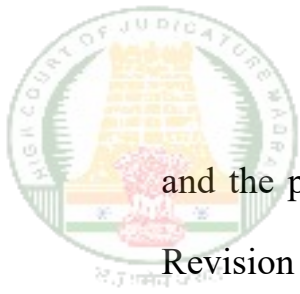
This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned III Addl. District and



Sessions Judge, Coimbatore in C.A.No.90 of 2023, dated 22.04.2024, confirming the Judgment dated 20.09.2022 passed in C.C.No.94 of 2018 by the learned Judicial Magistrate, Sulur, Coimbatore and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in C.C No. 94 of 2018 on the file of the learned Judicial Magistrate, Sulur, Coimbatore. 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 five months and awarded to pay the compensation of Rs.2,50,000/-, in default, to undergo simple imprisonment for one month. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.90 of 2023 before the learned III Addl. District and Sessions Judge, Coimbatore, by an order dated 22.04.2024, 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 the respondent/complainant has not produced any material evidence to show his source of income and not proved the alleged loan, without which, the trial court had appreciated the evidence and convicted the petitioner, as such is erroneous and he is still having valid defence to rebut his evidence. He 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 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. As per contentions of the petitioner, the respondent/complainant has not produced any material evidence to show his source of income and not proved the alleged loan, without which, the trial court had appreciated the evidence and convicted the petitioner, as such is erroneous one and he is still having valid defence to rebut his evidence. Considering that and also 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 a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of C.C.No.94 of 2018 on the file of learned **Judicial Magistrate, Sulur, Coimbatore**, after



release of petitioner within a period of one week from today.

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(ii) On such deposit being made, the respondent/complainant is permitted to withdraw the amount on filing undertaking affidavit;

(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 depositing the amount as stated clause (i) supra, the sentence of imprisonment alone, imposed on the petitioner/accused, shall be suspended, on his 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 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 he is not



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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;

(vii) If any deviation in complying conditions, the suspension of sentence ordered by this court shall stand cancelled;

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

7. Post the matter on 09.12.2025 for reporting compliance.

27-11-2025

RPP

To

1. III Addl. District and Sessions Judge, Coimbatore.
2. Judicial Magistrate, Sulur, Coimbatore.



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T.V.THAMILSELVI, J.

RPP

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(2/2)**



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