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Crl.M.P.No.17144 of 2025 in
Crl.RC.No.1681 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2025

CORAM:

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

**Crl.M.P.No.17144 of 2025
in Crl.RC.No.1681 of 2025**

1.Ganesan
2.G.K.Garments
Rep. by its Proprietor,
P.Ganesan,
5/185, Othakkadai,
Pollikkalipalayam Post,
Tiruppur,
Tiruppur Taluk & District.

.... Petitioner(s)

Vs

P.Narayanasamy

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of BNSS Act, to suspend the sentence imposed on the petitioner by the Judgment dated 12.06.2025 passed in Crl.A.No.88 of 2016 on the file of III Additional District & Sessions Court, Dharapuram, confirming the Judgment dated 20.07.2016 passed in STC.No.2951 of 2011 on the file of the Judicial Magistrate Court, Kangayam and enlarge the petitioner on bail, pending disposal of the above Crl.R.C.

For Petitioner : Mr.K.Govi Ganesan



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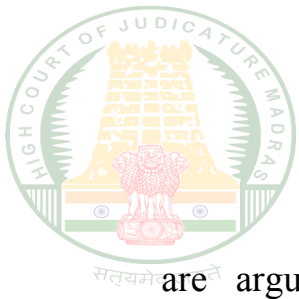
ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed on the petitioners by the judgment dated 12.06.2025 passed in Crl.A.No.88 of 2016 on the file of III Additional District & Sessions Court, Dharapuram, confirming the Judgment dated 20.07.2016 passed in STC.No.2951 of 2011 on the file of the Judicial Magistrate Court, Kangeyam and enlarge the petitioner on bail, pending disposal of the above Criminal Revision.

2.The petitioners herein is the accused in STC.No.2951 of 2011 on the file of the Judicial Magistrate Court, Kangeyam. 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 six months and to pay the fine of Rs.5,000/-, in default of payment of fine, the petitioner shall undergo a simple imprisonment for a period of 30 days as default sentence. Aggrieved by the same, the petitioners had filed an appeal in Crl.A.No.88 of 2016 and the III Additional District and Sessions Judge, Dharapuram, by order dated 12.06.2025, 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 petitioners/accused would submit that there



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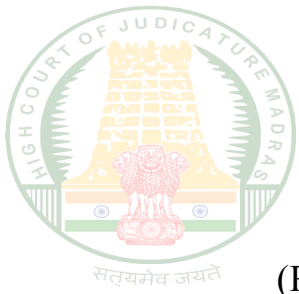
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are arguable points available in the Criminal Revision Case and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He 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 petitioners and also perused the materials placed on record.

5.Considering the submissions of the learned counsel for the petitioners, 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 petitioners shall deposit a sum of Rs.1,00,000/-



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(Rupees one lakh only), after deducting the amount which was already deposited by the petitioners, if any, to the credit of STC.No.2951 of 2011 on the file of Judicial Magistrate Court, Kangeyam, within a period of four weeks from today. Failing which, the order passed by 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 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.

(iv) On the petitioners depositing the amount as stated clause (i) supra, the sentence of imprisonment alone, imposed on the petitioners/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 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;



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(vi) 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 his absence, as directed by the trial Court;

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

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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T.V.THAMILSELVI, J.

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To

- 1.The III Additional District and Sessions Judge, Dharapuram.
- 2.The Judicial Magistrate Court, Kangeyam.

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