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CRL RC No. 1702 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.M.P.No.17372 of 2025

in

CRL RC No. 1702 of 2025

1. M.Suresh kumar,
S/o.Munusamy, Prop New Avinash
Traders, D.No.2/156, 2nd Street,
Ambedkar Nagar, Thuthipattu Village
and Post, Ambur Taluk

Petitioner(s)

Vs

1. V.Dayanidhi
S/o.R.Viswanathan, D.No.4/66, Nadu
Street, Devalapuram Village and Post,
Ambur Taluk

Respondent(s)

PRAYER: To call for the records and set aside the judgement passed in CA.No.98/2022 by the learned District and Sessions Judge, Tirupattur dated 07.03.2025, confirming the Judgment passed by the Additional District Munsif cum Judicial Magistrate, Ambur in STC.No.249/2019 dated 18.07.2022 and the petitioner may be acquitted from the charges leveled against.



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For Petitioner(s): L.Thiyagaiya

For Respondent: Mr.Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend the execution of the sentence passed in C.A.No.98 of 2022 by the learned District and Sessions Judge, Tirupathur dated 07.03.2025, confirming the judgement passed by the Additional District Munsif cum Judicial Magistrate, Ambur in STC.No.249/2019, dated 18.07.2022.

2. The petitioner herein is the accused in S.T.C.No.249 of 2019 on the file of the Additional District Munsif cum Judicial Magistrate, Ambur. He was found guilty of the offence under Sections 138 of the Negotiable Instruments Act and was convicted under Section 255(2) Cr.P.C. and sentenced to undergo 6 months simple imprisonment for the offence under Section 138 of Negotiable



Instruments act and to pay a sum of Rs.3,00,000/- as compensation to the complainant within one month, under Section 357(3) Cr.P.C. and in default, to undergo simple imprisonment for two month. Aggrieved by the same, the petitioner had filed appeal in Crl.A.No.98 of 2022 before the learned District and Sessions Judge, Tirupattur. The learned trial Judge had dismissed the appeal and confirmed the conviction and sentence, against which 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. Further it is his specific submission that the petitioner was enlarged on bail during the time of pendency of the appeal before the first appellate Court. He would submit that the petitioner is ready to abide the condition imposed by this Court.



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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 Case, 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.1,00,000/- (Rupees One lakh only), to the credit of STC.No.249 of 2019, on the file of the Additional District Munsif cum Judicial Magistrate, Ambur, without prejudice his defence, within a period of four 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 each for a like sum to the satisfaction of the learned Additional District Munsif cum Judicial Magistrate, Ambur.

(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 Aadhaar Cards or Bank Pass Books to ensure their identities.

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(d) 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 Criminal 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.

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

6. For reporting compliance, post the case on 28.10.2025.

17-09-2025

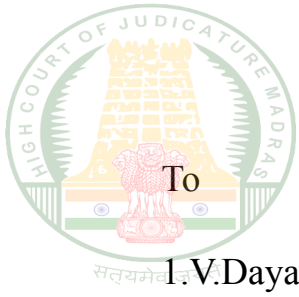
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1.V.Dayanidhi

WEB S/O.R.Viswanathan, D.No.4/66, Nadu
Street, Devalapuram Village and Post,
Ambur Taluk.

2. The Additional District Munsif cum
Judicial Magistrate, Ambur.

3. The District and Sessions Judge,
Tirupattur.



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T.V.THAMILSELVI J.
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