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*Crl.M.P.No.15440 of 2025 in
Crl.R.C.No.1399 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2025

CORAM:

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

Crl.M.P.No.15440 of 2025
in
Crl.R.C.No. 1399 of 2025

Praveen Jaleela

.... Petitioner

Vs

Shanavazz Mohamed

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438 (1) r/w 483 of BNSS Act, 2023, to suspend the sentence imposed on the petitioner by the learned VI Additional Sessions Judge, City Civil Court, Chennai, by a judgment dated in 20.06.2025 passed in Crl.A.N0.392 of 2023 confirming the judgment dated 19.04.2023 passed in C.C No.5477 of 2018 by the Metropolitan Magistrate, Fast Track Court-II, at Allikulam, Egmore and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Petition.

For Petitioner : Mr.K.M.Mrithun Jayan



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned VI Additional Sessions Judge, City Civil Court, Chennai, confirming the judgment dated 19.04.2023 passed in C.C No.5477 of 2018 by the learned Metropolitan Magistrate, Fast Track Court-II at Allikulam, Egmore and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in C.C No.5477 of 2018 on the file of the learned Metropolitan Magistrate, Fast Track Court-II at Allikulam, Egmore. She was found guilty of the offence under Section 138 of the Negotiable Instruments Act and she has been convicted and sentenced to undergo simple imprisonment for a period of six months and to pay a compensation of Rs.2,00,000/- to the complainant under Section 357(3) Cr.P.C., in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a period of two months as default sentence. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.392 of 2023 and the learned VI Additional



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Sessions Judge, City Civil Court, Chennai, by a judgment dated 20.06.2025, 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 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.

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:



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(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit the entire cheque amount, **i.e. Rs.2,00,000/- (Rupees two lakhs only)** after deducting the amount which was already deposited by the petitioner, if any, to the credit of C.C No.5477 of 2018 on the file of the learned Metropolitan Magistrate, Fast Track Court-II at Allikulam, Egmore, 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 her executing a bond for a sum of 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



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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 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;

(vi) 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.

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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G.K.ILANTHIRAIYAN, J.

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To

- 1.The VI Additional Sessions Judge, City Civil Court, Chennai,
2. The Metropolitan Magistrate, Fast Track Court-II at Allikulam, Egmore.

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