



WEB COPY



*Crl.M.P.No.14626 of 2025
in Crl.R.C.No. 1242 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2025

CORAM:

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

Crl.M.P.No.14626 of 2025

in

Crl.R.C.No. 1242 of 2025

Dinesh Raj. E.N.

Proprietor of Baby Maya Devi Steels

Office: 5th Floor, No.181-A. Covai RD South

Karur – 639 002.

....

Petitioner

Vs

Amit Kumar Maheswari

Proprietor of Loiwaal Steel House,

rep. by K.Kushal Kumar Sharma

Having office at No.9/2, Sembudoss Street,

Mannady, Parrys, Chennai – 600 001.

and carrying on business at:

No.150 Vichoor Village Road,

Puttukoil, Chennai – 600 103.

....

Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend execution of the sentence in pursuance of the judgment dated 08.07.2025 passed in Criminal Appeal No.1014/2024 on the file of XVIII Additional City Civil Court, Chennai, confirming the judgment dated 04.12.2024 passed in STC



*Crl.M.P.No.14626 of 2025
in Crl.R.C.No. 1242 of 2025*

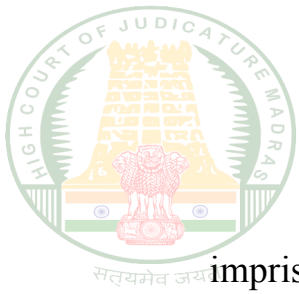
No.1789/2023 on the file of IV FTC Metropolitan Magistrate Court,
Chennai, pending disposal of this Criminal Revision.

For Petitioner : Mr.Vignesh Venkatachalam
ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend execution of the sentence in pursuance of the judgment dated 08.07.2025 passed in Criminal Appeal No.1014/2024 on the file of XVIII Additional City Civil Court, Chennai, confirming the judgment dated 04.12.2024 passed in STC No.1789/2023 on the file of IV FTC Metropolitan Magistrate Court, Chennai, pending disposal of this Criminal Revision.

2. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3. It is seen that the petitioner is the accused in a complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act. The Trial Court, after conducting a full-fledged trial, convicted the petitioner for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo simple



Crl.M.P.No.14626 of 2025
in Crl.R.C.No. 1242 of 2025

WEB COPY

imprisonment for a period of one year and also awarded compensation of Rs.94,84,225/- along with interest @ 3% from the date of dishonour of cheque till the date of realization, in default to pay the compensation, to undergo three months simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal in Crl.A.No.1014 of 2024 and the same was dismissed and the conviction imposed by the Trial Court was confirmed and sentence is modified to the effect that the accused is sentenced to undergo six months simple imprisonment and to pay fine of Rs.94,90,000/-, in default to undergo simple imprisonment for three months.

4. Considering the facts and circumstances of this case, this Court is of the view that the petitioner has failed to make out a *prima facie* case for suspending the sentence imposed on him by the trial Court. Hence, this Court is not inclined to suspend the sentence imposed by the trial Court.

5. In view of the above, this Criminal Miscellaneous Petition stands dismissed. However, the Trial Court is directed to take necessary steps to secure the presence of the petitioner and ensure compliance with the conviction and sentence imposed against him in STC No.1789/2023, in the



*Crl.M.P.No.14626 of 2025
in Crl.R.C.No. 1242 of 2025*

manner known to law.

WEB COPY

29.07.2025

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

bkn



Crl.M.P.No.14626 of 2025
in Crl.R.C.No. 1242 of 2025

WEB COPY
To

1. XVIII Additional City Civil Judge, Chennai.
2. IV FTC Metropolitan Magistrate, Chennai



WEB COPY



*Crl.M.P.No.14626 of 2025
in Crl.R.C.No. 1242 of 2025*

G.K.ILANTHIRAIYAN, J.

bkn

Crl.M.P.No.14626 of 2025
in
Crl.R.C.No. 1242 of 2025

29.07.2025