



WEB COPY

CRL MP No. 16568 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 16568 of 2025

IN

CRL RC NO. 1617 OF 2025

Parthasarathy

S/o.Velliyan, 1/111 TNEB Colony,
Attkatti, Valparai, Coimbatore - 642
101.

Petitioner(s)

Vs

Gowrishankar

S/o.Thangaraj, A52, Horn Hill House,
D Colony, Jothi Nagar, Pollachi Taluk,
Coimbatore - 642 006.

Respondent(s)

For Petitioner(s): B.Jayanthi
 S.Mathivanan
 S.Balamurugan

For Respondent:

**ORDER**

WEB COPY

This petition has been filed to suspend the sentence imposed on the petitioner vide the impugned order passed by the Learned III Additional District and Sessions Judge, Coimbatore in CRL.A.No.73 of 2022 dated 27.06.2025 confirming the sentence passed by the Learned Judicial Magistrate No.2, Pollachi in STC.No.1817 of 2016 dated 27.07.2022 against the petitioner and enlarge the Petitioner on bail.

The petitioner herein is the accused in STC No. 1817 of 2016 on the file of the Judicial Magistrate No.2, Pollachi. 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 one year and awarded to pay the cheque amount of Rs.1,60,000/-, in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a period of one month as default sentence. Thereafter he filed the appeal before the III Additional District & Sessions Judge, Coimbatore, in CRA No. 73 of 2022 and same was dismissed by confirming the judgment and sentence imposed by the trial Court. Aggrieved by the same, the present revision has



been filed.

WEB COPY

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 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. Considering the submissions of the learned counsel for the petitioner, 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:

WEB COPY

(i) the petitioner shall deposit a sum of Rs.75,000/- to the credit of STC.No.1817 of 2016 on the file of learned Judicial Magistrate No.2, Pollachi, 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 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;

WEB COPY

(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 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.

03-09-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



CRL MP No. 16568 of 2025



To

1. The Judicial Magistrate No.2, Pollachi.

2. The III Additional District and Sessions Judge, Coimbatore.

WEB COPY



WEB COPY

CRL MP No. 16568 of 2025



T.V.THAMILSELVI J.

**CRL MP No. 16568 of
2025
IN CRL RC NO. 1617
OF 2025**

03-09-2025