



WEB COPY



Crl.M.P No.15246 of 2025 in
Crl.R.C.No.1351 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2025

CORAM:

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

Crl.M.P.No.15246 of 2025
in
Crl.R.C.No.1351 of 2025

R.Dhanasekaran

... Petitioner

Versus

R.S.Chidambaram

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, to suspend the sentence imposed on the petitioner in C.A.No.232 of 2023 on the file of the learned Court of I-Additional District and Sessions Judge, Tiruppur dated 17.07.2025, confirming the conviction and sentence passed by the learned Judicial Magistrate (Fast Track Court), Tiruppur in S.T.C.No.5460 of 2019 dated 07.09.2023 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

For Petitioner : Mr. J. Franklin



Crl.M.P No.15246 of 2025 in
Crl.R.C.No.1351 of 2025

ORDER

WEB COPY

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Court of I-Additional District and Sessions Judge, Tiruppur in C.A.No.232 of 2023 dated 17.07.2025, which was confirmed by the learned Judicial Magistrate (Fast Track Court), Tiruppur in S.T.C.No.5460 of 2019 dated 07.09.2023, and to enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner is the accused in S.T.C.No.5460 of 2019 on the file of the learned Judicial Magistrate (Fast Track Court), Tiruppur. He was found guilty of the offence under Section 138 of the Negotiable Instruments Act, 1881, and he has been convicted and sentenced to undergo simple imprisonment for a period of six months and to pay the cheque amount of Rs.14,50,000/-, within one month, in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a further period of one month as default sentence. Aggrieved by the same, the petitioner had filed an appeal in C.A.No.232 of 2023 before the I-Additional District and Sessions Judge, Tiruppur, and the learned I-Additional District and Sessions Judge, by order dated 17.07.2025, had dismissed the said appeal, confirming the Judgement and



Crl.M.P No.15246 of 2025 in
Crl.R.C.No.1351 of 2025

WEB COPY

sentence imposed by the Trial Court. Aggrieved by the same, the present revision has been filed before this Court.

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,



Crl.M.P No.15246 of 2025 in
Crl.R.C.No.1351 of 2025

the reliefs of suspension of sentence and bail are granted on the following
WEB COPY
conditions:

(i) the petitioner shall deposit the entire cheque amount, i.e. Rs.14,50,000/- (Rupees Fourteen Lakhs Fifty Thousand only), after deducting the amount which has been already deposited by the petitioner, if any, to the credit of STC.No.5460 of 2019 on the file of learned Judicial Magistrate (Fast Track Court), Tiruppur, 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 re-deposit 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



Crl.M.P No.15246 of 2025 in
Crl.R.C.No.1351 of 2025

WEB COPY

likesum to the satisfaction of the Trial Court;

(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.

**08.08.2025
(2/3)**

Index : Yes/No
Neutral Case Citation : Yes/No
Speaking/non-speaking order

klt

G.K.ILANTHIRAIYAN, J.



WEB COPY



Crl.M.P No.15246 of 2025 in
Crl.R.C.No.1351 of 2025

klt

To

1. The I-Additional District and Sessions Judge, Tiruppur.
2. The Judicial Magistrate (Fast Track Court), Tiruppur.

Crl.M.P.No.15246 of 2025
in
Crl.R.C.No.1351 of 2025

08.08.2025
(2/3)