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Crl.M.P No.15008 of 2025 in
Crl.R.C.No.1314 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2025

CORAM:

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

Crl.M.P.No.15008 of 2025
in
Crl.R.C.No. 1314 of 2025

Ammugayathri

.... Petitioner

Vs

Dhanasekaran

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the substantive sentence imposed upon the petitioner by the judgment dated 09.06.2025 made in Crl.A.No.52 of 2024 on the file of Special Court for Trial of Cases registered under SC/ST(POA) Act, Namakkal confirming the judgment dated 20.12.2023 made in STC No.364 of 2023 on the file of the Judicial Magistrate, Paratmathi pending the above appeal.

For Petitioner : Mr.C.T.Murugappan



Crl.M.P No.15008 of 2025 in
Crl.R.C.No.1314 of 2025

ORDER

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2. The petitioner herein is the accused in S.T.C No.364 of 2023 on the file of the learned Judicial Magistrate, Pararmathi. 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 one year and to pay a compensation of Rs.20,00,000/- 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 three months as default sentence. Aggrieved by the same, the petitioner had filed appeal in Crl.A No.52 of 2024 and the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST(POA) Act, Namakkal, by a judgment dated 09.06.2025, had dismissed the above appeal



Crl.M.P No.15008 of 2025 in
Crl.R.C.No.1314 of 2025

WEB COPY

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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Crl.M.P No.15008 of 2025 in
Crl.R.C.No.1314 of 2025

(i) The second petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit the entire cheque amount, **i.e. Rs.20,00,000/- (Rupees Twenty lakhs only)** after deducting the amount which was already deposited by the petitioner, if any, to the credit of S.T.C No.364 of 2023 on the file of the learned Judicial Magistrate, Paramathi, 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 their Aadhar card or Bank pass Book and mobile



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Crl.M.P No.15008 of 2025 in
Crl.R.C.No.1314 of 2025

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.

05.08.2025
(2/3)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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Crl.M.P No.15008 of 2025 in
Crl.R.C.No.1314 of 2025

G.K.ILANTHIRAIYAN, J.

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To

1. The Sessions Judge, Special Court for Trial of Cases registered under SC/ST(POA) Act, Namakkal,
2. The Judicial Magistrate,Paramathi

Crl.M.P.No.15008 of 2025
in
Crl.R.C.No.1314 of 2025

05.08.2025
(2/3)