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CRL MP 16570 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. 16570 & 16571 of 2025

in CRL RC No. 1618 of 2025

1. P.Vijayakumar
S/o.Pichandi, No.37, Modi Kuppam
Village and Post, Gudiatham Taluk,
Vellore District.

Petitioner(s)

Vs

1. D.Ganesan
S/o.P.Duraisamy, No.74, 5th Street,
Kamaraj Nagar, Ennore - 600 057.

Respondent(s)

CRL MP No. 16570 of 2025

PRAYER

To suspend the sentence confirmed by the Impugned Order dt.12.03.2025 on the file of IV Additional District Court, Tiruvallur at Ponneri in Crl.A.No.69/2021 while dismissing the appeal and consequentially confirming the Judgment dated 21.04.2021, of the Judicial Magistrate at Tiruvottriyur in S.T.C.No.2066/2015 under section 138 r/w 142 of Negotiable Instruments Act sentencing the petitioner to undergo simple imprisonment for 6 months and to pay a fine of



Rs.1,80,00,000/- (Rupees One Crore Eighty Lakhs only) or in default undergo further one month sentence and pass such further or other order or orders as this Court.

CRL MP No. 16571 of 2025

PRAYER

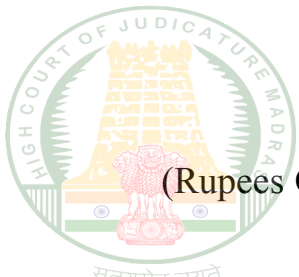
To grant an exemption to the petitioner from surrendering himself and accept the sureties before the Judicial Magistrate at Tiruvottriyur in the order in S.T.C.NO.2066/2015 dt.21.04.2021 and confirmed vide Order 12.03.2025 in Crl.A.No.69/2021 on the file of the IV Additional District Court, Tiruvallur at Ponneri and pass such further or other order or orders as this Honble Court.

For Petitioner(s): A.Thirumaran
 P.Sivaraman
 T.R.Shobana

For Respondent:

ORDER

CRL MP No. 16570 of 2025 has been filed to suspend the sentence confirmed by the Impugned Order dated 12.03.2025 on the file of IV Additional District Court, Tiruvallur at Ponneri in Crl.A.No.69/2021 while dismissing the appeal and consequentially confirming the Judgment dt.21.04.2021, of the Judicial Magistrate at Tiruvottriyur in S.T.C.No.2066/2015 under section 138 r/w 142 of Negotiable Instruments Act sentencing the petitioner to undergo simple imprisonment for 6 months and to pay a fine of Rs.1,80,00,000/-



(Rupees One Crore Eighty Lakhs only) or in default undergo further one month sentence.

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2. CRL MP No. 16571 of 2025 has been filed to grant an exemption to the petitioner from surrendering himself and accept the sureties before the Judicial Magistrate at Tiruvottriyur in the order in S.T.C.NO.2066/2015 dated 21.04.2021 and confirmed vide Order 12.03.2025 in Crl.A.No.69/2021 on the file of the IV Additional District Court, Tiruvallur at Ponneri

3. The petitioner herein is accused in STC No. 2066 of 2015 on the file of the Judicial Magistrate, Tiruvottriyur and He was found guilty of the offence under Section 138 of the Negotiable Instruments Act, to undergo simple imprisonment for a period of 6 months and and to pay a compensation of Rs.1,80,00,000/- to the complainant within a period of one month. Challenging the same the petitioner herein filed the appeal in Crl.A.No.69/2021 on the file of the IV Additional District Court, Tiruvallur at Ponneri but the same was dismissed by confirming judgement of the Trial Court. Challenging the same, the same petitioner this Civil Revision Case.



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4. 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. Further it is his specific submission that the petitioner was enlarged on bail during the time of pendency of the appeal before the first appellate Court and the petitioner may be exempted from surrendering before the Trial Court. He would submit that the petitioner is ready to abide the condition imposed by this Court.

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:



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(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit Rs.20,00,000/- (Twenty Lakhs) to the credit of STC.No.2066 of 2015 on the file of Judicial Magistrate at Tiruvottriyur, on or before 22.10.2025,. 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) Thereafter, the sentence of imprisonment alone, imposed on the petitioner/accused shall be suspended, on his executing a bond for a sum of Rs.10,000/- 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 numbers to ensure their identity;



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(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 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;

(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, Crl.M.P.No.16570 of 2025 is ordered.

7. In view of the order passed Crl.M.P.No.16570 of 2025, granting suspension of sentence, no further order is necessary in Crl. MP No. 16571 of 2025 in Crl. R.C No. 1618 of 2025. Accordingly, Crl. MP No. 16571 of 2025 is closed.

03-09-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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T.V.THAMILSELVI J.

To
The Judicial Magistrate at Tiruvottriyur.

**CRL RC No. 1618 of
2025**

03-09-2025