



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 17929 of 2025

IN

CRL RC NO. 1815 OF 2025

Lidiya Shobha Rani
Head Nurse (5843844), Railway
Hospital, MD/RH/PER, Ayanavaram,
Chennai - 600023.

Petitioner(s)

Vs

Pradeep
No.34-D, II Floor, Kaliyamman Koil
Street, Virugambakkam, Chennai.

Respondent(s)

PRAYER

To Suspend the sentence and conviction passed by XXI Additional City Civil court at Allikulam in CA.No.522/2024 dated 14.07.2025 dismissing the appeal and confirming the order of learned Metropolitan magistrate (Fast Track Court no.II), Egmore, Chennai dated 25.06.2024 in CC.No.4430/2019 and convicting the appellant for offence U/s 138 of NI Act, and enlarge the petitioner on bail till the disposal of the revision.

For Petitioner(s): Ms.M.K.Keerthana

For Respondent(s): Mr. R.Munuswamy

**ORDER**

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned XXI Addl. City Civil Court at Allikulam in C.A.No.522 of 2024, dated 14.07.2025, confirming the Judgment dated 25.06.2024 passed in C.C.No.4430 of 2019 by the learned Metropolitan Magistrate (Fast Track Court No.II), Egmore, Chennai and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in C.C No. 4430 of 2019 on the file of the learned Metropolitan Magistrate (Fast Track Court No.II), Egmore, Chennai. 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 six months and awarded to pay the compensation of Rs.15,00,000/-. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.522 of 2024 before the learned XXI Addl. City Civil Court at Allikulam by an order dated 14.07.2025, had dismissed the above appeal, 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 inspite of documents adduced on her side, the trial judge erroneously held that there is legally enforceable debt between herself and the complainant, in fact,



she has not borrowed any amount from him and she is having valid defence to prove her case. He would also 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. The learned counsel for respondent appeared and submitted that after conclusion of trial, the trial court has rightly convicted the petitioner. Hence, he raised strong objections to grant suspension of sentence.

5. Heard both the learned counsel appearing for the petitioner and respondent and also perused the materials placed on record.

6. Considering the submissions of the learned counsel for the petitioner stating that inspite of documents adduced on the side of petitioner/accused, the trial judge erroneously arrived a conclusion that there is legally enforceable debt between herself and the complainant, in fact, she has not borrowed any amount from him and she is having valid defence to prove her case and also 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:

(i) the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) to the credit of C.C.No.4430 of 2019 on the file of learned **Metropolitan Magistrate (Fast Track Court No.II), Egmore, Chennai**, within a period of three weeks from today. Failing which, the order passed by this Court shall stand automatically cancelled.

(ii) On such deposit of amount being made, the defacto complainant is permitted to withdraw the amount on filing undertaking affidavit;

(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 her 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;



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(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 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;

7. With the above directions, this Criminal Miscellaneous Petition is ordered.

8. Post the matter on 24.11.2025

17-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. XXI Addl. City Civil Court, Allikulam, Chennai.

2. Metropolitan Magistrate, (Fast Track Court No.II), Egmore, Chennai.



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T.V.THAMILSELVI J.

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