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Crl.M.P No.15186 of 2025 in
Crl.R.C.No.1341 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2025

CORAM:

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

Crl.M.P.No.15186 of 2025
in
Crl.R.C.No. 1341 of 2025

Sankari

.... Petitioner

Vs

Sornam

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence of fine amount alone imposed by the learned III Additional Sessions Court, Chennai in Crl.A.No.64 of 2024 dated 17.07.2025, confirming the order of conviction and sentence imposed by the trial court in the judgment dated 28.12.2023 in C.C.No.568 of 2017 on the file of the learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai

For Petitioner : Mr.S.Ashok kumar



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of fine amount imposed by the learned III Additional Sessions Court, Chennai in Crl.A.No.64 of 2024 dated 17.07.2025, confirming the order of conviction and sentence imposed by the trial court in the judgment dated 28.12.2023 in C.C.No.568 of 2017 on the file of the learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, 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. 568 of 2017 on the file of the learned Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai. She was found guilty of the offence under Section 138 of the Negotiable Instruments Act and she has been convicted and sentenced to pay a fine of Rs.1,75,000/-, in default to undergo simple imprisonment for a period of three months. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.64 of 2024 and the learned III Additional Sessions Court, Chennai by order dated 17.07.2025, 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.



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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 of fine amount 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 fine amount alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of fine amount and bail are granted on the following conditions:



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(i) the petitioner shall deposit 25% of the cheque amount, apart from 20% of the cheque amount, which was already deposited to the credit of CC.No.568 of 2017 on the file of learned learned Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai, 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 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 his absence, as directed by the trial Court;

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

07.08.2025
(2/10)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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G.K.ILANTHIRAIYAN, J.

ssd

To

1. The III Additional Sessions Court, Chennai
2. The Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV,
George Town, Chennai

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