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CRL MP No. 21326 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP Nos. 21326 & 21327 of 2025

IN

CRL RC NO. 2362 OF 2025

M/s. Vincent Realtors

Represented by its Proprietor, A.Paul

Vincent, M/58years, S/o.Anthonysamy,

Rathinapuri, Coimbatore District.

Petitioner(s)

Vs

JAMES

S/o.Arulantham, D.No. 12, Kalidas

Road, Ramnagar, Coimbatore District.

Respondent(s)

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Section 438(b) of BNSS & 528 of BNSS, praying to suspend the sentence imposed on the petitioner in C.C.No.313 of 2013 on the file of Judicial Magistrate, Fast Track Court-II, Magistrate Level, Coimbatore and confirming the same in C.A.NO.248 of 2019 on the file of the I Additional District and Sessions Judge, Coimbatore, and enlarge him on bail, pending disposal of the above Criminal Revision Petition.

For Petitioner(s): Mr.G.S.Magesh
For Mr.P.Srinivasan



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For Respondent: Dr.C.E.Pratap
Government Advocate (Crl.Side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking suspension of sentence imposed in C.C.No.313 of 2013 on the file of Judicial Magistrate, Fast Track Court-II, Magistrate Level, Coimbatore and confirming the same in C.A.NO.248 of 2019 on the file of the I Additional District and Sessions Judge, Coimbatore, and enlarge him on bail, pending disposal of the above Criminal Revision Petition.

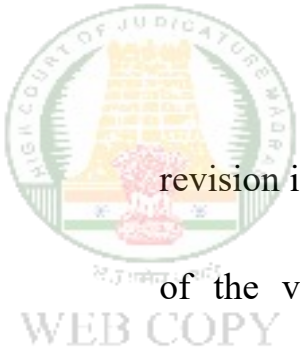
2. The petitioner herein is the accused in C.C.No.313 of 2013 on the file of Judicial Magistrate, Fast Track Court-II, Magistrate Level, Coimbatore. The accused was convicted under Section 138 of Negotiable Instrument Act and sentenced him to undergo simple imprisonment for a period of 6 months and shall pay the compensation of Rs.55,00,000/- together with interest at the rate of 6% per annum from the date of cheque, to be paid within 3 months from the date of Judgement failing which the accused shall undergo 3 months simple imprisonment. Aggrieved by the same, the petitioner had filed appeal in



C.A.No.248 of 2019 on the file of the II Additional District and Sessions Judge, Coimbatore, was dismissed, confirming the conviction and sentence, against which the present revision has been filed.

3. The learned counsel for the petitioner/accused submitted that though there was a money-lending transaction, the cheque was manipulated and a false claim was made. It is further submitted that the trial Court failed to properly appreciate the facts of the case. The petitioner is having a valid defence available in the Criminal revision and the petitioner/accused has a fair chance of succeeding in the Criminal revision and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He also submitted that the petitioner is ready to abide the condition imposed by this Court.

4. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner, further 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, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) the petitioner is directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only), to the credit of CC.No.313 of 2017 on the file of the Judicial Magistrate, Fast Track Court-II, Magistrate Level, Coimbatore, within a period of three weeks from the date of receipt of a copy of this order, failing which the order shall be vacated.

(b) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, out of which one surety shall be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court-II, Magistrate Level, Coimbatore.

(c) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and



the Magistrate may obtain a copy of their Aadhar Cards or Bank Pass Books to ensure their identities.

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(d) The petitioner shall appear before the Trial Court on every Saturday at 10.30 a.m., until the disposal of the Criminal revision 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.

5. With the above directions, the suspension of sentence filed by the petitioner in Crl.MP.No.21326 of 2025 is ordered. Consequently, the petitions filed by the petitioner in Crl.M.P.No.21327 of 2025 seeking exemption from surrendering before the trial Court, is closed accordingly.

13-11-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

WEB C 1.JAMES

S/o.Arulantham, D.No. 12, Kalidas
Road, Ramnagar, Coimbatore District.

2.The Judicial Magistrate, Fast Track
Court-II, Magistrate Level, Coimbatore.

3.The I Additional District and Sessions
Judge, Coimbatore.

4.The Public Prosecutor,
High Court of Madras, Chennai.



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T.V.THAMILSELVI J.
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