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Crl.M.P No.14788 of 2025 in
Crl.R.C.No.1273 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2025

CORAM:

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

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in
Crl.R.C.No. 1273 of 2025

C.Chandran
S/o. Chinnu,
Belukurichi Post, Rasipuram Taluk,
Rasipuram Taluk,
Namakkal District.
Presently Residing at
No.5/43A, Pillan Street,
Singalanthapuram Post,
Rasipuram Taluk,
Namakkal District.

...

Petitioner

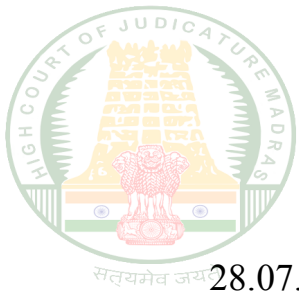
Vs.

K.Vallarasu
S/o. Kandasamy,
Door No.5/50, Allalapuram
Pommampatti Taluk,
Tiruchengode Taluk,
Namakkal District.

...

Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence and compensation imposed in the judgment passed in Crl.A.No.62 of 2021 dated



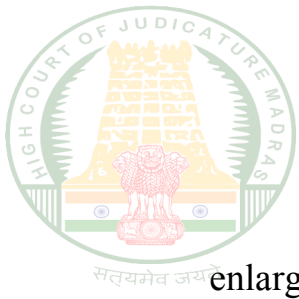
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28.07.2023 on the file of the I Additional District and Sessions Court at Namakkal by confirming the order of conviction and partly altered the compensation to Rs.16,00,000/- dated 10.03.2021 passed in C.C.No.687 of 2019 on the file of the Judicial Magistrate No.I, Namakkal and sentencing the petitioner to undergo two years simple imprisonment under Section 138 of the Negotiable Instruments Act, 1882, and to pay fine / compensation of Rs.32,00,000/- under Section 357 of the Cr.P.C., 1973 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition before this Court.

For Petitioner : Mr.R.Suryakumaran

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence and compensation imposed in the judgment passed in Crl.A.No.62 of 2021 dated 28.07.2023 on the file of the I Additional District and Sessions Court at Namakkal by confirming the order of conviction and partly altered the compensation to Rs.16,00,000/- dated 10.03.2021 passed in C.C.No.687 of 2019 on the file of the Judicial Magistrate No.I, Namakkal and sentencing the petitioner to undergo two years simple imprisonment under Section 138 of the Negotiable Instruments Act, 1882, and to pay fine / compensation of Rs.32,00,000/- under Section 357 of the Cr.P.C., 1973 and



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enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition before this Court.

2. The petitioner herein is the accused in C.C.No.687 of 2019 on the file of the Judicial Magistrate No.I, Namakkal. He was found guilty of the offence under Section 138 of the Negotiable Instruments Act and he has been convicted and sentenced to undergo simple imprisonment for a period of two months and to pay a compensation of Rs.32,00,000/- to the complainant. Aggrieved by the same, the petitioner had filed an appeal in C.A No.62 of 2021 and the learned I Additional District and Session Judge, Namakkal, by a judgment dated 28.07.2023 had dismissed the above appeal by confirming the order of conviction and partly altered the compensation to Rs.16,00,000/-. Aggrieved by the same, the above revision has been filed along with the miscellaneous petition.

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



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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 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:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit the entire cheque amount, deducting the amount already paid, if any, to the credit of C.C.No.687 of 2019 on the file of the Judicial Magistrate No.I, Namakkal, 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



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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 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 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 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



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undergoing the sentence.

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

31.07.2025

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

1. The Judicial Magistrate No.I, Namakkal.
2. The I Additional District and Sessions Court at Namakkal.



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G.K.ILANTHIRAIYAN, J.

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