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CRL RC No. 1777 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP NO. 17679 OF 2025 & CRL MP NO. 17677 OF 2025

IN

CRL RC No. 1777 of 2025

1. P.Vijayabharathi
W/o.Pandiyan, D.NO.5/180-1, Swami
Nagar 2nd Street, Mohanur Road,
Namakkal Taluk and District.

Petitioner(s)

Vs

1. PREMKUMAR
Managing Partner, Sri Subramaniam
Finance, 280, S.P.Puthur, Paramathy
Road, Namakkal, Namakkal District.

Respondent(s)

CRL MP No. 17679 of 2025

PRAYER

To grant an order of exemption from surrendering the sentence imposed in Criminal Appeal No.95 of 2024 dated 06.02.2025 on the file of the learned Special Court for Trial of Cases Registered under SC/ST (POA) Act, Namakkal confirming the judgment in C.C.NO.404 of 2018 dated 06.02.2024 on the file of



Learned Judicial Magistrate No.1, Namakkal.

CRL MP No. 17677 of 2025

WEB PRAYER

To suspend the sentence imposed in Criminal Appeal No.95 of 2024 dated 06.02.2024 on the file of the Special Court for Trial of Cases Registered under SC/ST (POA) Act, Namakkal confirming the judgment in C.C.No.404 of 2018 dated 06.02.2024 on the file of Learned Judicial Magistrate No.1, Namakkal and enlarge the petitioner on bail pending disposal of the above Crl.RC and thus render justice.

For Petitioner(s): K.T.S.Sivakumar
S.Lakshmipathy

For Respondent:

ORDER

CRL MP No. 17677 of 2025 has been filed to suspend the sentence imposed in Criminal Appeal No.95 of 2024 dated 06.02.2024 on the file of the Special Court for Trial of Cases Registered under SC/ST (POA) Act, Namakkal confirming the judgment in C.C.No.404 of 2018 dated 06.02.2024 on the file of Learned Judicial Magistrate No.1, Namakkal

2. CRL MP No. 17679 of 2025 has been filed to grant an order of exemption from surrendering the sentence imposed in Criminal Appeal No.95



of 2024 dated 06.02.2025 on the file of the learned Special Court for Trial of

Cases Registered under SC/ST (POA) Act, Namakkal confirming the judgment

in C.C.NO.404 of 2018 dated 06.02.2024 on the file of Learned Judicial

Magistrate No.1, Namakkal.

3. The learned counsel for the petitioner submits that the petitioner is accused in C.C.NO.404 of 2018 on the file of Learned Judicial Magistrate No.1, 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 8 months and awarded to pay the cheque amount of Rs.6,00,000/-, Aggrieved by the same, the petitioner had filed an appeal in Criminal Appeal No.95 of 2024 dated 06.02.2025 on the file of the learned Special Court for Trial of Cases Registered under SC/ST (POA) Act, Namakkal, which has 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 there are arguable points available in the Criminal Revision Case and the



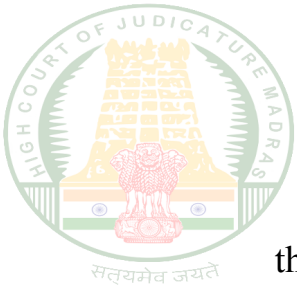
petitioner/accused has got a fair chance of succeeding in the Criminal Revision

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. 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 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:



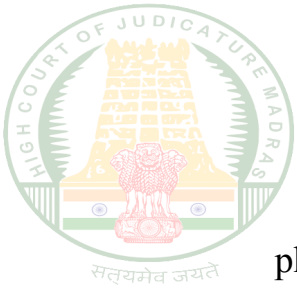
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(i) the petitioner shall deposit a sum of Rs.2,50,000/- to the credit of CC.No. 404 of 2018 on the file of learned Judicial Magistrate No.1, Namakkal, within a period of four weeks from today. Failing which, the order passed by this Court shall stand 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 his 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 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;

6. With the above directions, this Criminal Miscellaneous Petitions are ordered.

22-09-2025

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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.

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