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Crl.M.P No.16067 of 2025 in
Crl.R.C.No.1543 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2025

CORAM:

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

Crl.M.P.No.16067 of 2025
in
Crl.R.C.No.1543 of 2025

Tamizharasi

.... Petitioner

Vs

Valtar Raj

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to suspend the sentence imposed on the petitioner the judgment dated 25.04.2025 passed in CA.No.3 of 2024 on the file of the District Judge, Mayiladuthurai District confirming the judgment dated 28.12.2023 passed in CC.No.158 of 2020 on the file of the Fast Track Magistrate Court, Mayiladuthurai District and set aside the same.

For Petitioner : Mr.M.Prabu



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ORDER

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This Criminal Miscellaneous Petition has been filed praying to suspend the sentence imposed on the petitioner in the judgment dated 25.04.2025 passed in CA.No.3 of 2024 on the file of the District Judge, Mayiladuthurai District confirming the judgment dated 28.12.2023 passed in CC.No.158 of 2020 on the file of the Fast Track Magistrate Court, Mayiladuthurai District.

2. The petitioner herein is the accused in CC.No.158 of 2020 on the file of the Fast Track Magistrate Court, Mayiladuthurai District. He was found guilty of the offence under Section 138 of the Negotiable Instruments Act and he has been convicted and sentenced to undergo one year simple imprisonment. He was also ordered to pay compensation to the tune of the cheque amount i.e. Rs.2,00,000/- with interest at the rate of 9%, in default, to undergo further three months simple imprisonment. Aggrieved by the same, the petitioner had filed the appeal in CA.No.3 of 2024 and the learned District Judge, Mayiladuthurai District by order dated 25.04.2025, had dismissed the above appeal confirming the judgment of 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



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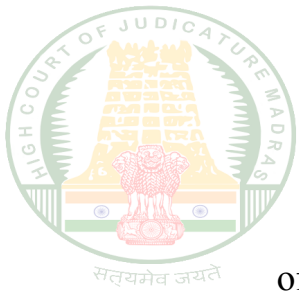
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petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide any condition to 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:

(i) the petitioner shall deposit the entire cheque amount, after deducting the amount which was already deposited by the petitioner, if any, to the credit of CC.No.158 of 2020 on the file



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of the Fast Track Magistrate Court, Mayiladuthurai District, within a period of four weeks from today, failing which the present order of this Court shall stand automatically cancelled.

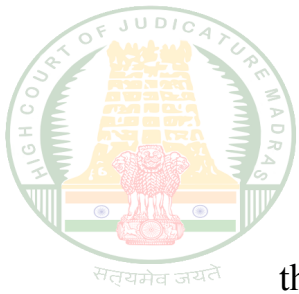
(ii) On such deposit being made, the trial Court shall redeposit the said amount in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Criminal Revision Case;

(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's depositing the amount as stated in 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 District Judge, Mayiladuthurai District

(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



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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 Petition is ordered.

25.08.2025
(2/3)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.



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- To
- 1.District Judge, Mayiladuthurai District
 - 2.The Fast Track Magistrate Court, Mayiladuthurai District

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