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Crl.MP.No.3396 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2025

CORAM:

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

Crl.M.P.No.3396 of 2025

in

Crl.RC.No.343 of 2025

N.Srinivasan

...Petitioner

Vs.

N.Govindarajan

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of BNSS, 2023, praying to suspend the conviction and sentence against the dated 22.07.2024 passed by the Principal District and Sessions Judge, Chennai in C.A.No.711 of 2023 and confirming conviction and sentence passed by the Fast Track Court No.1 Metropolitan Magistrate Level Allikulam, Chennai in CC.No.4876 of 2021 dated 16.10.2023 convicted and sentenced to undergo one year simple imprisonment and directed to pay the cheque amount as fine within one month from the date of judgment in default to undergo three months simple imprisonment and grant bail to the appellant pending disposal of the criminal revision petition.

For Petitioner : Mr.K.C.Krishnamoorthy



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ORDER

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This Criminal Miscellaneous Petition has been filed praying to suspend the conviction and sentence imposed in the judgment dated 22.07.2024 passed by the Principal District and Sessions Judge, Chennai in C.A.No.711 of 2023 confirming the conviction and sentence imposed by the Fast Track Court No.1 Metropolitan Magistrate Level Allikulam, Chennai in CC.No.4876 of 2021 dated 16.10.2023 and to grant bail to the petitioner pending disposal of the aforementioned criminal revision petition.

2. The petitioner herein is the accused in CC.No.4876 of 2021 on the file of the Fast Track Court No.1 Metropolitan Magistrate Level Allikulam, Chennai. He was found guilty of the offence under Section 138 of the Negotiable Instruments Act and he was convicted and sentenced to undergo simple imprisonment for a period of one year and to pay compensation of Rs.8,00,000/- being the cheque amount, in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a period of three months. Aggrieved by the same, the petitioner had filed appeal in C.A.No.711 of 2023. However, the learned Principal District and Sessions Judge, Chennai, by order dated 22.07.2024,



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dismissed the appeal, against which criminal revision has been filed along with the present 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 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, after deducting the amount which was already deposited by the petitioner, if any, to the



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credit of CC.No.4876 of 2021 on the file of the Fast Track Court No.1 Metropolitan Magistrate Level Allikulam, Chennai, 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 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 his executing a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the learned Metropolitan Magistrate, Fast Track Court No.I, Allikulam, Egmore, Chennai

(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;



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(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 his 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 undergoing the sentence.

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

16.07.2025
(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.Principal District and Sessions Judge, Chennai
- 2.The Fast Track Court No.1 Metropolitan Magistrate Level Allikulam,
Chennai

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in
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