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CRL MP No. 16405 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 16405 of 2025

IN

CRL RC NO. 1594 OF 2025

B.Kadiravan

Petitioner(s)

Vs

R.M.Manickasundaram

Respondent(s)

CRL MP No. 16405 of 2025

PRAYER

To suspend the sentence imposed on the Petitioner by the Judgement of the Fast Track Court-II, Erode dated 28.09.2022 in S.T.C.No.465 of 2016 and confirmed by the Honble II Additional District and Sessions Judge, Erode by his Judgement dated 21.07.2025 in Criminal Appeal No.224 of 2022 pending disposal of the present Criminal Revision Petition and enlarge the Petitioner on bail.

For Petitioner:

Mr. A.Mohamed Ismail

**ORDER**

WEB COPY This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the Fast Track Court-II, Erode dated 28.09.2022 in S.T.C.No.465 of 2016 and confirmed by II Additional District and Sessions Judge, Erode by his Judgement dated 21.07.2025 in Criminal Appeal No.224 of 2022 and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

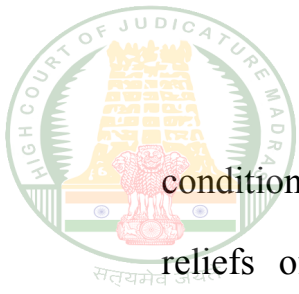
2. The petitioner herein is the accused in S.T.C No. 465 of 2016 on the file of the Fast Track Court No.II, Erode. He was found guilty of the offence under Section 138 of the Negotiable Instruments Act and he has been convicted and sentenced to undergo simple imprisonment for a period of three months and awarded to pay Rs.50,00,000/- to the complainant as compensation within three months, in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a period of one month as default sentence. Aggrieved by the same, the petitioner had filed an appeal in CrI.A No.224 of 2022 and the learned II Additional District and Sessions Judge, Erode, by order dated 21.07.2025, had 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 the signature found in the cheque was also disputed by him and the same was proved, instead of that, the trial judge had erroneously convicted him, besides he was only a commission agent and the said alleged transaction with Balaji Textiles, who is no way connected with the petitioner. Still, he is having valid defence to disprove the claim of respondent. He would also 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. He would also submit that at the time of filing criminal appeal, the petitioner had deposited a sum of Rs.10,00,000/- before the first appellate 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

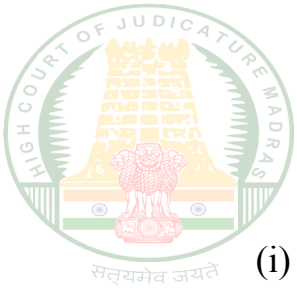


conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only), after deducting the amount which was already deposited by the petitioner, if any, to the credit of STC.No.465 of 2016 on the file of learned Fast Track Court II at Magisterial Level, Erode, within a period of six 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.



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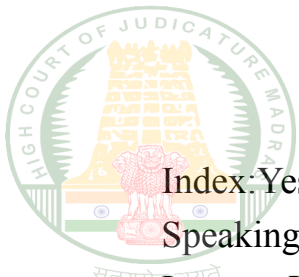
(iv) On the petitioner depositing the amount as stated clause (i) supra, the sentence of imprisonment alone, imposed on the petitioner/accused, shall be suspended, on his execution of a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;

(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 Petition is ordered.

01-09-2025



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. II Addl. District and Sessions Judge, Erode.

2. Fast Track Court II at Magisterial Level, Erode.



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T.V.THAMILSELVI J.

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