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Crl.M.P.No .4637 of 2025 in *CRL. RC.No.416 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2025

CORAM:

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

Crl.M.P.No .4637 of 2025

in

CRL. RC.No.416 of 2025

Antony Michael Prince
S/o. Savari Muthu

...Petitioner

Vs.

M/s. George Maijo Industries Pvt Ltd.,
No. 2 B, Apex Plaza,
5, Nungambakkam High Road,
Chennai-34.
Represented by its Letter of Authority
Mohan Raj

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 18.07.2024 made in C.A.No. 323 of 2022 on the file of the V Additional Sessions Judge, Chennai, confirming the judgment dated 20.09.2022 made in C.C.No.3106 of 2016 on the file of the XX Metropolitan Magistrate, Allikulam Complex, Chennai and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Petition.



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For Petitioner : Mr. S.Ferozkhan

For Respondent :

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension the sentence of imprisonment imposed on the petitioner in the judgment dated 18.07.2024 made in C.A.No. 323 of 2022 on the file of the V Additional Sessions Judge, Chennai, confirming the judgment dated 20.09.2022 made in C.C.No.3106 of 2016 on the file of the XX Metropolitan Magistrate, Allikulam Complex, Chennai and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Petition.

2. The petitioner herein is the accused in C.C.No. 3106 of 2016 on the file of XX Metropolitan Magistrate, Allikulam Complex, Chennai and, by judgment dated 20.09.2022, he was found guilty of the offence under Section 138 of the Negotiable Instruments Act and he has been convicted and sentenced To under go six months simple imprisonment and to pay a compensation of Rs.5,00,000/- together with interest at the rate of 6% per annum from the date of filing of the complaint to the complainant within eight (8) weeks from the date of the judgment under



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Section 357 of Cr.P.C r/w Section 138 of N.I Act and in default of payment of the compensation, to undergo a further period of eight (8) weeks simple imprisonment as default sentence and directed to recover the same from the accused by invoking the provision of Section 421 of Cr.P.C. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No. 323 of 2022 and the learned V Additional Sessions Judge, Chennai, by order dated 18.07.2024, 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 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.



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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 80 % of the cheque amount, i.e. Rs.4,00,000/- (Rupees Four Lakhs only), to the credit of C.C.No. 3106 of 2016 on the file of learned XX Metropolitan Magistrate, Allikulam Complex, Chennai, within a period of four weeks from today. Failing which, the order passed by this Court shall stand automatically cancelled.



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(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;

(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;



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(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.

20.08.2025
(3/3)

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

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To

1. The V Additional Sessions Judge, Chennai
2. The XX Metropolitan Magistrate, Allikulam Complex, Chennai



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G.K.ILANTHIRAIYAN, J.

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