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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2025

CORAM:

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

Crl.M.P.No.1614 of 2025
in
Crl.R.C.No. 213 of 2025

A. Arokkiya Dass

.... Petitioner

Vs

K. Mala

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438 (1) of BNSS Act, 2023, to suspend the sentence of imprisonment imposed in the Judgment dated 02.09.2023 made in S.T.C.No.6880 of 2017 on the file of the XXV Metropolitan Magistrate, Egmore, Chennai and the same was confirmed in the Judgment dated 07.06.2024 made in C.A.No.637 of 2023 on the file of the Principal Sessions Judge, Chennai and enlarge the petitioner on bail pending disposal of the above revision petition.

For Petitioner : Mr.K. Arunagiri
For Respondent : Mr.V. Suresh Kumar

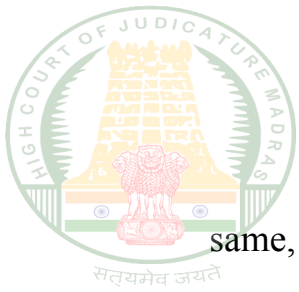


ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the sentence of imprisonment imposed in the Judgment dated 02.09.2023 made in S.T.C.No.6880 of 2017 on the file of the XXV Metropolitan Magistrate, Egmore, Chennai and the same was confirmed in the Judgment dated 07.06.2024 made in C.A.No.637 of 2023 on the file of the Principal Sessions Judge, Chennai and enlarge the petitioner on bail pending disposal of the above revision petition.

2. The petitioner herein is the accused in S.T.C No.6880 of 2017 on the file of the learned XXV Metropolitan Magistrate, Egmore, Chennai. 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 one year and to pay a compensation of Rs.20,00,000/- to the complainant under Section 357(3) Cr.P.C., 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.637 of 2023 and the learned Court of Sessions at Chennai by a judgment dated 07.06.2024, 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.

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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 are 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, i.e. Rs.20,00,000/- (Rupees twenty lakhs only) after deducting the amount which was already deposited by the petitioner, if any, to the



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credit of S.T.C No.6880 of 2017 on the file of the learned XXV Metropolitan Magistrate, Egmore, Chennai within a period of eight 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 her executing a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;

(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;

(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 she is not able to appear before the trial Court on any day, she shall make arrangements to file an application under Section 355



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of BNSS, 2023 and shall appear before the trial Court on any other day in lieu of the date of her 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.

11.08.2025
(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. The XXV Metropolitan Magistrate, Egmore, Chennai
2. The Principal Sessions Judge, Chennai

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