

CRL MP NO. 18619 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

WEB COPY CRL MP NO. 18619 of 2025 IN CRL RC NO. 1945 OF 2025

S.Madhu

S/o.Seeranga Gounder, Attakalanoor, Singampettai Village,
Bhavani Taluk, Erode District.

Petitioner(s)

Vs

G.Madhu

S/o.Gurusamy Gounder, Sundamuthuam Patty, Singampettai
Village, Bhavani Taluk, Erode District.

Respondent(s)

PRAYER: To suspend the sentence imposed by the Trial Court in STC No.618 of 2017 on the file of Hon'ble Judicial Magistrate -1 Bhavani dated 22.02.2022 which was subsequently confirmed by the appellate Court in Ca No. 36 of 2022 on the file of Hon'ble IV Additional District Judge and sessions Judge Court Erode District at Bhavani Court dated 25.07.2025 pending disposal of the above Criminal Revision petition.

For Petitioner(s):

B.Gopalakrishnan
M.Silambarasan

For Respondent(s):

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the sentence imposed by the Trial Court in STC No.618 of 2017 on the file of Judicial Magistrate -1 Bhavani dated 22.02.2022 which was subsequently confirmed by the appellate Court in Ca No. 36 of 2022 on the file of IV Additional District Judge and sessions Judge Court Erode District at Bhavani Court dated 25.07.2025.



2. The petitioner herein is the accused in STC No.618 of 2017 on the file of .

Magistrate -1 Bhavani. He was found guilty of the offence under Section 138 of the

सर्वोच्च न्यायालय
Negotiable Instruments Act and vide order dated the learned Judicial Magistrate-No. 1,

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Bhavani sentenced to undergo Rigorous Imprisonment for one year under Section 138 of Negotiable Instrument Act and also directed to pay the fine of Rs.2,50,000/- being cheque amount to the complainant and in default of payment of compensation, he has to undergo simple imprisonment of three months. Aggrieved over the same filed an appeal in C.A No. 36 of 2022 on the file of IV Additional District Judge and sessions Judge Court Erode District at Bhavani Court and the same was dismissed on 25.07.2025., dismissed the appeal, thereby confirming the judgment and sentence imposed by the trial Court. Hence, the present revision has been filed.

3. The learned counsel for the petitioner/accused submitted that he is having a valid defence available in the Criminal revision and the petitioner/accused has a fair chance of succeeding in the Criminal revision and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He also submitted that the petitioner has already deposited a sum of Rs.50,000/- and is ready to abide the condition imposed by this Court.



4. Considering the facts and circumstances of the case coupled with the quar

punishment imposed upon the petitioner, also by considering the submissions of the

learned counsel for the petitioner, further this Criminal revision is not likely to be taken

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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, the reliefs of suspension of sentence and bail

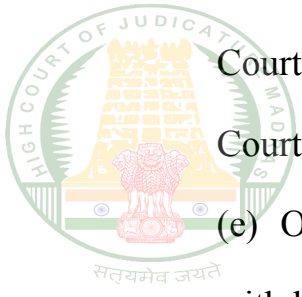
are granted on the following conditions:

(a) the petitioner is directed to deposit a sum of Rs.75,000/- (Rupees Seventy Five thousand only), to the credit of STC No.618 of 2017 on the file of the on the file of Judicial Magistrate -1 Bhavani without prejudice his defence, within a period of three weeks from the date of receipt of a copy of this order.

(b) the petitioner/accused is ordered to be released on bail, on executing a bond **or a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, in which one surety must be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate -1 Bhavani.

(c) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(d) The petitioner shall appear before the Trial Court on every Saturday at 10.30 a.m., until the disposal of the Criminal Appeal 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



Court.

(e) On such deposit being made, the defacto complainant is permitted to withdraw the amount now deposited by the petitioner in STC No.618 of 2017 on the file of Judicial Magistrate -1 Bhavani and also the earlier amount of Rs.50,000/- on proper identification, in the manner known to law.

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

07-10-2025

To
1. G.Madhu
S/o.Gurusamy Gounder,
Sundamuthuam Patty,
Singampettai Village,
Bhavani Taluk,
Erode District.



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T.V.THAN I,J.



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