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CRL MP No. 17884 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 17884 of 2025

IN

CRL RC NO. 1805 OF 2025

R.Palanisamy

Proprietor, M/s. Sri Krishna Industries,
No. 35, 170A, pathi Gounder Thottam,
Jayaprakash Nagar, 3rd Street,
Ganapathy, Coimbatore - 641006.

Petitioner(s)

Vs

C.P.Shanmugasundaram,
S/o. Ponnusamy, 302-304, Patel Road,
Coimbatore - 641009.

Respondent(s)

CRL MP No. 17884 of 2025

PRAYER

To suspend the sentence which was imposed by the Honble I Additional District and Sessions judge, Coimbatore in Crl.A.No.254 of 2024 dated 05.08.2025 confirming the conviction and sentence passed by the Learned Judicial Magistrate, Fast Track Court No.1, Magisterial Level , Coimbatore in CC.No.201 of 2013 dated 08.05.2024 and enlarge the petitioner on bail till the dispose of the above Crl.RC



For Petitioner(s): Mr. R.Ramesh Babu

ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned I Addl. District and Sessions Judge, Coimbatore in Crl.A.No. 254 of 2024 dated 05.08.2025 confirming the conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court No.1, Magisterial Level, Coimbatore in C.C.No.201 of 2013 dated 08.05.2024 and enlarge the petitioner on bail pending disposal of the above revision petition.

2. The petitioner herein is the accused in C.C.No.201 of 2013 on the file of the learned Judicial Magistrate, Fast Track Court No.1, Coimbatore. 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 nine months and awarded to pay the compensation of Rs.4,00,000/- under Sec.357 Cr.P.C. within one month, in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a further period of two month as default sentence. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.254 of 2024 and the learned I Additional District and Sessions Judge, Coimbatore, by order dated 05.08.2025, 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 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.

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 an amount of Rs.1,50,000/- (Rupees one lakh fifty thousand only) to the credit of C.C.No.201 of 2013 on the file of learned Judicial Magistrate, Fast Track Court No.I, Coimbatore, within a period of four



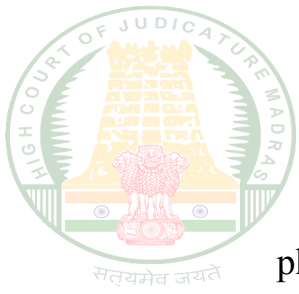
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weeks from today. Failing which, the order passed by this Court shall stand automatically cancelled. On such deposit, the respondent/complainant is permitted to withdraw the amount on filing an undertaking affidavit;

(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;



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(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.

23-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. I Addl. District and Sessions Judge, Coimbatore.

2. Judicial Magistrate, Fast Track Court No.I, Coimbatore.



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T.V.THAMILSELVI J.

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