



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP NO. 19850 OF 2025
IN CRL RC No. 2139 of 2025

1. N.Chandrasekaran
S/o. Natarajan, Vairankadu, Dasa
Smauthiram, Kadaiyampatti Taluk,
Salem District.

Petitioner(s)

Vs

1. SENTHILKUMAR
S/o. Krishnan, Rasi Purathan kattu
Valaivu, Mookanoor Village,
Kadaiyampatti Taluk, Salem District.

Respondent(s)

CRL MP No. 19850 of 2025

PRAYER

To suspend the sentence imposed in CrI.A.No.24/2017 dated 20.12.2018 on the file of the Learned III Additional Judge, Sessions Court at Salem modified the judgement and conviction of the Learned Judicial Magistrate, FTC, Omalur, in S.T.C.No.13/2013 dated 31.01.2017 and pass such further or other orders.



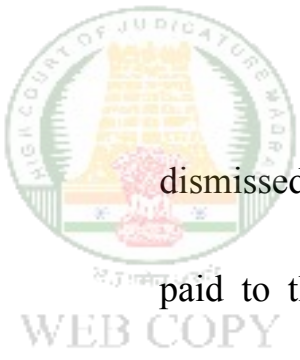
For Petitioner(s): B. Sundarapandiyan
J. Kamalini
V. Ganapathi
S. Sugumar
S. Manisha
D. Mohanakrishnan

For Respondent:

ORDER

This petition has been filed to suspend the sentence imposed in Crl.A.No.24/2017 dated 20.12.2018 on the file of the Learned III Additional Judge, Sessions Court at Salem modified the judgement and conviction of the Learned Judicial Magistrate, FTC, Omalur, in S.T.C.No.13/2013 dated 31.01.2017.

2. The petitioner herein is the accused in STC.No. 13 of 2013 on the file of the learned Judicial Magistrate, FTC, Omalur. He was found guilty of the offence under Sections 138 of N.I Act and he has been convicted and sentenced to undergo one month Rigorous Imprisonment and imposed fine of Rs.5,000/-. Aggrieved over the same, the petitioner filed the appeal in Crl.A.No.24/2017 in the file of the Learned III Additional Judge, Sessions Court at Salem and it was



dismissed the appeal and imposed the compensation of Rs.10,00,000/- to be paid to the respondent. Aggrieved by the same, the petitioner had filed the present revision and this criminal Miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that the petitioner had borrowed a sum of Rs.2,00,000/- from the respondent, who is financier and the petitioner repaid to the tune of Rs.5,00,000/-, being not satisfied with the same, the respondent filed the fabricated cheque and claimed Rs.10,00,000/-. Before the Trial Court except the respondent there no witness was examined and the Trial Court failed to take note of the fact that the petitioner has paid the amount with interest, which was not appreciated by the Courts below as such is erroneous and liable to be set aside. Further, 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 the condition imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side)



appearing for the respondent/State raised serious objection for allowing these petitions. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police, further 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.1,50,000/-** to **the credit of STC.No. 13 of 2013 on the file of the learned Judicial Magistrate, FTC, Omalur**, within a period of four



weeks from the date of his release. Failing which, the order passed by this Court shall stand automatically cancelled.

WEB COPY

(ii) On such deposit being made, the respondent is permitted to withdraw the amount deposited before the Trial Court.

(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(one must be a blood surety), 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



WEB COPY

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.

27-10-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The learned Judicial Magistrate, FTC, Omalur.
2. The Central Jail, Salem.
3. The Public Prosecutor, High Court, Madras.



WEB COPY

CRL RC No. 2139 of 2025



T.V.THAMILSELVI J.

pbl

**CRL MP NO. 19850 OF
2025
IN CRL RC No. 2139 of
2025**

27-10-2025