



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 21826 of 2025

IN

CRL RC NO. 2430 OF 2025

D.Sathyanarayanan
S/o.Late Devarajan
No.40, TVK Link Street,
Annaisanthya Nagar, Chennai-600 118

Petitioner(s)

Vs

A.Kannabiran
S/o.Andimuthu,
NO.AP-261, 11th East Cross Street,
MKB Nagar, Vyasarpadi,
Chennai-600 039

Respondent(s)

PRAYER

To suspend the imprisonment imposed on the petitioner by the Leaned Principal Court and order dated 11.12.2023 made in C.A.No.757 of 2023 on the file of the Principal Judge, City Civil Court, Chennai filed against the judgement dated 01.11.2023 passed by the Learned Metropolitan Magistarte, Fast Track Court II, Egmore at Allikulam, chennai passed in CC.No.5281 of 2023



For Petitioner(s): Mr. C.P.Shibukumar

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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Principal Judge, City Civil Court, Chennai in C.A.No.757 of 2023, dated 11.12.2023, confirming the Judgment dated 01.11.2023 passed in C.C.No.5281 of 2023 by the learned Metropolitan Magistrate, Fast Track Court-II, Egmore, at Allikulam, Chennai and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in C.C No. 5281 of 2023 on the file of the learned Metropolitan Magistrate, Fast Track Court-II, Egmore, at Allikulam, 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 six months and awarded to pay the compensation of Rs.10,00,000/-, in default, to undergo simple imprisonment for two months. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.757 of 2023 before the learned Principal Sessions Judge, Chennai, by an order dated 02.07.2025, 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 is no legally enforceable debt between the petitioner and the respondent and the prosecution also not proved the case beyond reasonable doubt, inspite of that, he was convicted. He 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:



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(i) the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) to the credit of C.C.No.5281 of 2023 on the file of learned Metropolitan Magistrate, Fast Track Court-II, Egmore, at Allikulam, Chennai within a period of four 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) 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;

(v) If any deviation in complying the condition imposed by this court, the order passed by this Court shall stand vacated.

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

19-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Principal Judge, City Civil Court, Chennai.

2. Metropolitan Magistrate, Fast Track Court-II, Egmore, Chennai.



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T.V.THAMILSELVI J.

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