



Crl.M.P.No.15539 of 2025 in Crl.R.C.No.1422 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.15539 of 2025
in Crl.R.C.No.1422 of 2025

Nagaraj

... Petitioner

Vs

1. Doraian

2. State represented by
Public Prosecutor,
Coimbatore.

... Respondents

PRAYER: Criminal Miscellaneous Petition is filed under Section 430 of BNSS, 2023, to suspend the sentence and enlarging him on Bail, in the Judgement dated 21.09.2023 in Crl.A.No.96 of 2022 passed by the Hon'ble I Additional District and Sessions Judge, Coimbatore.

For Petitioner : Mr.T.Shanmugaboopathi
For R2 : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed in Crl.A.No.96 of 2022 dated 21.09.2023 by the I Additional District and Sessions Judge, Coimbatore, confirming the conviction and sentence ordered in C.C.No.367 of 2019 dated 06.09.2022 on the file of Judicial Magistrate No.II, Pollachi.



WEB COPY

2. The petitioner herein is the accused in C.C.No.367 of 2019 on the file of the Judicial Magistrate No.II, Pollachi. He was found guilty for the offence punishable under Section 138 of the Negotiable Instruments Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Section 138 of the Negotiable Instruments Act	to undergo one year Rigorous imprisonment and awarded compensation of Rs.2,20,000/- within a period of three months, in default to undergo one month simple imprisonment.

Aggrieved by the same, the petitioner has filed this criminal revision along with the present miscellaneous petition.

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 the condition imposed by this Court. He further submitted that now the petitioner was arrested and remanded to judicial custody and confined in Central Prison, Coimbatore.



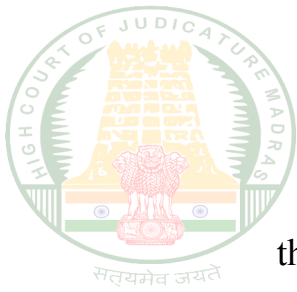
WEB COPY

4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

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, 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 the entire cheque amount, i.e. Rs.2,00,000/- (Rupees Two Lakhs only), after deducting the amount which was already deposited by the petitioner, if any, to the credit of C.C.No.367 of 2019 on the file of the Judicial Magistrate No.II, Pollachi, within a period of four weeks from today. Failing which, the order passed by this Court shall stand automatically cancelled.

(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;

WEB COPY

(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;

(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.



WEB COPY



CrI.M.P.No.15539 of 2025 in CrI.R.C.No.1422 of 2025

18.08.2025
(2/2)

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn

To

1. The I Additional District and Sessions Judge,
Coimbatore.
2. The Judicial Magistrate No.II,
Pollachi.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.M.P.No.15539 of 2025 in Crl.R.C.No.1422 of 2025

G.K.ILANTHIRAIYAN. J.

mn

Crl.M.P.No.15539 of 2025
in Crl.R.C.No.1422 of 2025

18.08.2025
(2/2)