



Crl.M.P.Nos.18197 & 18198 of 2024 in Crl.RC.No.2362 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 03.01.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**Crl.M.P.Nos.18197 & 18198 of 2024**  
**in Crl.RC.No.2362 of 2024**

N.Srinivasan

... Petitioner/Sole Accused in both MPs

Vs.

Telesys Info-Infra (I) Ltd., (Formerly Known as Telesys Softward Ltd.,)  
Rep. by its Authorised Officer, Mr.I.Kasi Srinivasalu, S/o Mallikarjunam,  
Old No.32, New No.72, Giri Road, 1<sup>st</sup> Floor,  
T.Nagar, Chennai – 600 017.

... Respondent in both MPs

**Prayer in Crl.MP.No.18197 of 2024:** Criminal Miscellaneous Petition filed under Section 528 of Cr.P.C to stay all further proceedings pursuant to the order dated 12.09.2024 in Crl.A.No.293 of 2022 on the file of the Hon'ble XX Additional Sessions, City Civil Court, Chennai, pending disposal of the above Criminal Revision Petition.

**Prayer in Crl.MP.No.18198 of 2024:** Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C to suspend the sentence passed by the Hon'ble XX Additional Sessions, City Civil Court at Chennai in Crl.A.No.293 of 2022 dated 12.09.2024 till the disposal of the accompanying revision in the interest of justice.



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Crl.M.P.Nos.18197 & 18198 of 2024 in Crl.RC.No.2362 of 2024

**In Both MPs**

For Petitioner : Mr.A.K.Rajaraman

**COMMON ORDER**

These Criminal Miscellaneous Petition have been filed seeking to suspend the sentence imposed on the petitioner/accused by judgment dated 12.09.2024 passed in Crl.A.No.293 of 2022 by the learned XX Additional Sessions, City Civil Court, Chennai, pending disposal of the Criminal Revision Case and to stay all further proceedings pursuant to the order dated 12.09.2024 in Crl.A.No.293 of 2022 on the file of the Hon'ble XX Additional Sessions, City Civil Court, Chennai, pending disposal of the above Criminal Revision Petition.

2. It is the case of the prosecution that the petitioner has borrowed a sum of Rs.50,00,000/- on 29.12.2009 by executing a promissory bond, promising to pay interest at the rate of 30% per annum, and when the respondents demanded repayment of the loan amount, the petitioner issued a cheque of Rs.50,00,000/- on 07.01.2011, and that when the said cheque was presented for collection, it was returned with the reason 'insufficient funds,' and inspite of the statutory notice, the petitioner did



not make any payment.

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3. The petitioner was convicted by the trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of two months, and was directed to pay compensation of Rs.50,000/- to the complainant within one month. On appeal, the said conviction and sentence was confirmed by the lower Appellate Court. Therefore, challenging the concurrent finding of the courts below, the petitioner has preferred revision and pending revision, sought for suspension of sentence.

4. The learned counsel for the petitioner would submit that, even according to the judgment of the learned trial court, the petitioner had paid the loan amount, and that the respondent is claiming a huge sum as arrears by computing compound interest at the rate of 30% per annum; that in the light of the said findings, the petitioner ought not to have been convicted and directed to pay the compensation of Rs.50,000/-; and that to show his bonafides, he is ready and willing to deposit a sum of Rs.50,000/- as the compensation amount awarded by the trial court.



5. This Court finds that the submission made by the learned counsel for the petitioner needs deliberation and on considering the fact that there are several arguable points raised in the above revision, which require consideration; the fact that the revision is not likely to be taken up in the near future and also the fact that the petitioner is willing to deposit the compensation amount of Rs.50,000/-, this Court is inclined to exempt the petitioner from surrender and to suspend the sentence imposed on the petitioner/accused.

6. Accordingly, the Criminal Miscellaneous Petition in Crl.M.P.No.18198 of 2024 is allowed and till the disposal of the Criminal Revision case, the sentence imposed upon the petitioner/accused by the trial Court, is suspended on the following conditions:

(i) The petitioner/accused is directed to deposit Rs.50,000/- [Rupees Fifty Thousand Only], within a period of four weeks from the date of receipt of a copy of this order;

(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) Thereafter, the sentence of imprisonment alone imposed on the petitioner/accused shall be suspended, on his executing a bond a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the XX Additional Sessions, City Civil Court, Chennai;

(iv) 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;

(v) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the revision 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 317 Cr.P.C. 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; and



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(vi) On the failure of the petitioner/accused, depositing the said amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

7. In view of the order passed in Crl.M.P.No.18198 of 2024, suspending the sentence imposed on the petitioner, the Criminal Miscellaneous Petition in Crl.MP.No.18197 of 2024 is dismissed.

**03.01.2025**  
(2/2)

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**Issue order copy by 08.01.2025.**  
**Upload the order copy forthwith.**

To

1. Learned XX Additional Sessions, City Civil Court, Chennai

2. The Public Prosecutor,  
Madras High Court.



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**SUNDER MOHAN, J.**

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**03.01.2025**  
**(2/2)**