



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.Nos.20779 & 20780 of 2025
in Crl.R.C.No.2281 of 2025**

1.M/s.Palpandian Depot,
Rep. by its Authorised Signatory,
Mr.S.Pal Pandian, Age 75

2.Mr.S.Pal Pandian

...Petitioners in both Crl.M.Ps

Versus

Mr.K.Sankarappan

...Respondent in both Crl.M.Ps

Prayer in Crl.M.P.No.20779 of 2025 in Crl.R.C.No.2281 of 2025:

This Criminal Miscellaneous Petition is filed under Section 397(1) of Cr.P.C and Section 430 of BNSS praying to suspend the sentence imposed by the Judgment dated 19.08.2025 made in Crl.A.No.147 of 2024 passed by the learned XXI Additional Sessions Judge, City Civil Court, Allikulam, Chennai by confirming the conviction and sentence imposed by the Judgment dated 24.01.2024 made in S.T.C.No.2923 of 2022 passed by the learned Fast Track Court – V, Metropolitan Magistrate, Saidapet, Chennai pending criminal revision.

Prayer in Crl.M.P.No.20780 of 2025 in Crl.R.C.No.2281 of 2025:



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This Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023 praying to exempt the petitioner from surrender before the FTC-V, Metropolitan Magistrate, Saidapet, Chennai for the sentence imposed by the Judgment dated 19.08.2025 made in CrI.A.No.147 of 2024 passed by the learned XXI Additional Sessions Judge, City Civil Court, Allikulam, Chennai by confirming the conviction and the sentence imposed by the judgment dated 24.01.2024 made in S.T.C.No.2923 of 2022 passed by the learned Fast Track Court – V, Metropolitan Magistrate, Saidapet, Chennai.

For Petitioners in both CrI.M.Ps : Ms.G.Sumithra

COMMON ORDER

The Criminal Miscellaneous Petition No.20779 of 2025 has been filed by the 2nd Petitioner seeking to suspend the sentence imposed on him by the learned Metropolitan Magistrate, Fast Track Court at Magistrate Level-V, Saidapet, Chennai vide Judgment dated 24.01.2024 in S.T.C.No.2923 of 2022 which was confirmed by the learned XXI Additional Sessions Judge, City Civil Court, Allikulam, Chennai vide Judgment dated 19.08.2025 in CrI.A.No.147 of 2024.



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2. The Criminal Miscellaneous Petition No.20780 of 2025 has been filed by the 2nd Petitioner seeking to exempt him from surrendering before the learned Metropolitan Magistrate, Fast Track Court at Magistrate Level-V, Saidapet, Chennai for the conviction and sentence imposed on the petitioners vide Judgment dated 24.01.2024 in S.T.C.No.2923 of 2022 which was confirmed by the learned XXI Additional Sessions Judge, City Civil Court, Allikulam, Chennai vide Judgment dated 19.08.2025 in Crl.A.No.147 of 2024.

3. The 2nd Petitioner is Accused No.2 in S.T.C.No.2923 of 2022 on the file of the learned Metropolitan Magistrate, Fast Track Court at Magistrate Level-V, Saidapet, Chennai. The 2nd Petitioner/Accused No.2 was found guilty for committing an offence under Section 138 of the Negotiable Instruments Act, 1881. Therefore, the trial Court vide Judgment dated 24.01.2024 in S.T.C.No.2923 of 2022, convicted 2nd Petitioner/Accused No.2 and sentenced him to undergo simple imprisonment for a period of 8 months and to pay the cheque amount of Rs.8,00,000/- as compensation to Respondent/Complainant, in default, to undergo 3 months



simple imprisonment. Aggrieved by the said conviction and sentence, 2nd Petitioner/Accused No.2 had preferred a Criminal Appeal in CrI.A.No.147 of 2024 before XXI Additional City Civil Court, Allikulam, Chennai. However, the Appellate Court vide Judgment dated 19.08.2025, dismissed the said Criminal Appeal and confirmed the judgment of trial Court. Hence, 2nd Petitioner/Accused No.2 has filed the present Criminal Revision Case before this Court.

4. The learned counsel for Petitioners/Accused submitted that the Courts below failed to note that when the Respondent/Complainant joined as a member in the Chit conducted by the Petitioners/Accused, the disputed cheque was issued as security to Respondent/Complainant for the money he invested in Chit. It is pertinent to note that the person who is conducting the Chit only issue cheque as he is collecting the money from his members, at the end of Chit period, the money will be handed over to the members and the security cheque has to be returned to the Petitioners/Accused. He further submitted that Petitioners/Accused have a fair chance of succeeding in the Criminal Revision Case and 2nd Petitioner/Accused No.2 is ready to abide



any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on 2nd petitioner/Accused No.2 may be suspended.

5. Heard the learned counsel for Petitioners/Accused and perused the materials available on record.

6. Considering the submissions made by learned counsel for Petitioners/Accused coupled with the quantum of punishment imposed on 2nd Petitioner/Accused No.2 and taking into consideration of the fact that the Criminal Revision is likely to be taken up for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment alone.

7. Accordingly, till the disposal of Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on following conditions:

(i) The 2nd Petitioner/Accused No.2 shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only), to the credit of S.T.C.No.2923 of 2022 on the file of the learned Metropolitan



Magistrate, Fast Track Court at Magistrate Level-V, Saidapet, Chennai, within a period of four weeks from the date of receipt of a copy of this order, failing which, this order shall stand automatically cancelled.

(ii) On such deposit being made, the trial Court shall re-deposit 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) If 2nd Petitioner/Accused No.2 fails to deposit the aforesaid amount, it is open to the trial Court to commit the 2nd Petitioner/Accused No.2 into custody for undergoing the sentence.

(iv) The sentence of imprisonment imposed on 2nd Petitioner/Accused No.2 shall be suspended on condition that he shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a likesum to the satisfaction of the trial Court;

(v) The 2nd Petitioner/Accused No.2 and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the trial Court may obtain a copy of their Aadhaar Card or Bank Pass Book and their mobile numbers to ensure their identity;

(vi) The 2nd Petitioner/Accused No.2 shall appear before



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the trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Revision Case 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 his absence, as directed by the trial Court.

8. With the above directions, Criminal Miscellaneous Petition No.20779 of 2025 is allowed. Consequently, Criminal Miscellaneous Petition No.20780 of 2025 is closed.

07.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

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1.The Metropolitan Magistrate,
Fast Track Court at Magistrate Level-V,
Saidapet, Chennai

2.The XXI Additional Sessions Judge,
City Civil Court, Allikulam, Chennai

3.The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.



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