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*Crl.M.P.No.81 of 2025
in Crl.R.C.No.6 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.81 of 2025

in

Crl.R.C.No.6 of 2025

Sivasankaran

... Petitioner /Accused

Vs.

Jayapalani

... Respondent / Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita praying to suspend the sentence in Crl.A.No.13 of 2022 dated 26.04.2023 passed by the learned Sessions Judge, Nagapattinam confirming the order in S.T.C.No.21 of 2017 dated 04.05.2022 on the file of Fast Track Judicial Magistrate Court, Nagapattinam and to enlarge the petitioner on bail pending disposal of the above Criminal Revision.

For Petitioner : Mr.D.Magesh

For Respondent : Mr.M.Govindaraju

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in Crl.A.No.13 of 2022 dated 26.04.2023



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passed by the learned Sessions Judge, Nagapattinam confirming the order in S.T.C.No.21 of 2017 dated 04.05.2022 on the file of Fast Track Judicial Magistrate Court, Nagapattinam and to enlarge the petitioner on bail, pending disposal of the above Criminal Revision.

2. It is the case of the respondent that towards discharge of his liability the petitioner had issued a cheque for a sum of Rs.1,00,000/- and that when the cheque was presented for collection, it was returned for the reason “funds insufficient” and that inspite of statutory notice, the petitioner did not make any payment.

3. The petitioner/accused in S.T.C.No.21 of 2017 was convicted by the Trial Court by judgment dated 04.05.2022 for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and directed him to pay double the cheque amount of Rs.2,00,000/-. Aggrieved by the same, the petitioner/accused preferred an appeal in Crl.A.No.13 of 2022 before the learned Sessions Judge, Nagapattinam. The learned Sessions Judge, by judgment dated 26.04.2023, dismissed the appeal confirming the conviction and sentence passed by the



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trial Court, against which, he filed Crl.R.C.No.6 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel for the petitioner would submit that pursuant to the judgment of the Appellate Court, the petitioner was arrested on 28.11.2024 and is in custody since then; that the petitioner has raised several grounds in the above revision, which requires consideration and that to show his bonafides, the petitioner is willing to deposit a sum of Rs.1,00,000/- to the credit of S.T.C.No.21 of 2017 and prayed for granting suspension of sentence to the petitioner.

5. Heard the learned counsel for respondent and perused the records.

6. Considering the fact; that the petitioner has raised substantial grounds in the above revision, which requires consideration; that the petitioner is in custody from 28.11.2024 and the submission made by the petitioner that he is willing to deposit Rs.1,00,000/-, this Court is inclined to grant suspension of sentence to the petitioner, on the following conditions, till



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the disposal of the above Criminal Revision :

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(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of S.T.C.No.21 of 2017 on the file of the Judicial Magistrate No.I, Nagapattinam, 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 for a sum of Rs.10,000/- with two sureties, each for a likesum to the satisfaction of the trial court;

(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;



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(v) The petitioner shall appear before the Trial Court on the first working day of a 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 that 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;

(vi) 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.

7. Accordingly, this Criminal Miscellaneous Petition is ordered.

06.01.2025
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Issue order copy by 07.01.2025
Upload the order copy forthwith.



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SUNDER MOHAN, J.

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To

- 1.The Judicial Magistrate No.I,
Nagapattinam.
- 2.The Sessions Judge,
Nagapattinam.
3. The Superintendent,
Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.

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