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CRL MP No. 18533 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP NO. 18533 OF 2025 in CRL RC No. 1927 of 2025

1. S.I.Arul

Kochar Panchsheel Apartment, Block-
1, Flat No.E-5, 5th Floor, Ambattur
Industrial Estate, Chennai-600 053.

Petitioner(s)

Vs

1. M.Prem Prakash

S/o. Mangilal, No.2, Bazar Road,
Varadhraja Puram, Chennai-600 053.

Respondent(s)

PRAYER

To suspend the sentence imposed on the petitioner in C.C. No.1696 of 2019 by an order dated 05.05.2023 on the file of the Metropolitan Magistrate, Fast Track at Magisterial Level-IV, George Town, Chennai-1 and confirmed in Criminal Appeal No.339 of 2023 on the file of the XVII Additional District and sessions court at chennai by a judgment dated 18.07.2025 and release the petitioner on bail pending disposal of the above criminal revision and pass such or further order as this Honorable Court.



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For Petitioner(s): K.Balasubramaniam
R. Prabhakaran
R. Hemalatha

For Respondent:

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend the sentence imposed on the petitioner in C.C. No.1696 of 2019 by an order dated 05.05.2023 on the file of the Metropolitan Magistrate, Fast Track at Magisterial Level-IV, George Town, Chennai-1 and confirmed in Criminal Appeal No.339 of 2023 on the file of the XVII Additional District and sessions court at Chennai by a judgment dated 18.07.2025 and release the petitioner on bail pending disposal of the above criminal revision and pass such or further order as this Honorable Court.

2. The petitioner herein is the accused in C.C. No.1696 of 2019 on the file of the learned Metropolitan Magistrate, Fast Track at Magisterial Level-IV, George Town, Chennai-1. He was found guilty of the offence under Sections 138 of Negotiable Instrument Act and the accused is convicted and sentence to



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undergo three months simple imprisonment under Section 255(2) of Cr.P.C

under Section 138 of Negotiable Instruments Act, 1881 and convicted and

sentenced to undergo a simple imprisonment of three month and the accused is

hereby sentenced to pay a fine of Rs.20,57,000/- which is ordered to be paid to

the complainant under Section 357(1) of Cr.P.C as compensation in default it is

ordered that the accused has to undergo a further period of three months

imprisonment. Aggrieved by the same, the petitioner filed an appeal in

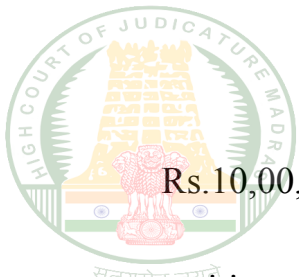
Criminal Appeal No.339 of 2023 on the file of the XVII Additional District and

sessions court at Chennai and by order dated 18.07.2025, dismissed the appeal,

thereby confirming the judgment and sentence imposed by the trial Court.

Hence, the present revision has been filed.

3. The learned counsel for the petitioner/accused submitted that he is having a valid defence available in the Criminal revision and the petitioner/accused has a fair chance of succeeding in the Criminal revision and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He also submitted that the petitioner has already deposited a sum of



Rs.10,00,000/- and the same was also acknowledged by the respondent and the petitioner is ready to abide the condition imposed by this Court.

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4. 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, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) the petitioner is directed to deposit a sum of Rs.6,45,600/- (Rupees Six Lakhs forty five thousand and six hundred only), to the credit of C.C. No.1696 of 2019 on the file of the Metropolitan Magistrate, Fast Track at Magisterial Level-IV, George Town, Chennai-1 within a period of four weeks from the date of receipt of a copy of this order.

(b) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Metropolitan Magistrate, Fast Track at



Magisterial Level-IV, George Town, Chennai-1

(c) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhar Cards or Bank Pass Books to ensure their identities.

(d) The petitioner shall appear before the Trial Court on every Saturday at 10.30 a.m., until the disposal of the Criminal 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 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.

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

07-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
1.M.Prem Prakash
S/o. Mangilal, No.2, Bazar Road,
Varadhraja Puram, Chennai-600 053.



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T.V.THAMILSELVI J.

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