



WEB COPY



Crl.M.P No.7957 of 2025 in Crl.R.C.No.543 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.7957 of 2025
in
Crl.R.C.No.543 of 2025

M.Purushothaman

Vs

.... Petitioner

D.Kanthakumar

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the order of sentence and conviction in C.C.No.7587 of 2018 on the file of the learned Metropolitan Magistrate Court, Fast Track Court No.I, Allikulam Complex, Egmore, Chennai dated 16.03.2023 for an offence under Section 138 of the Negotiable Instruments Act and confirming the conviction and sentence passed in C.A.No.252 of 2023 dated 22.01.2024 on the file of learned XIX Additional City Civil Court, Chennai and enlarge the petitioner on bail.

For Petitioner : Mr.T.Parthiban

For Respondent : Mr.Dhruv Thakur



Crl.M.P No.7957 of 2025 in Crl.R.C.No.543 of 2025

ORDER

WEB COPY

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned XIX Additional Judge, City Civil Court, Chennai, made in C.A.No.252 of 2023 dated 22.01.2024, confirming the order dated 16.03.2023, passed by the learned Metropolitan Magistrate, Fast Track Court No.I, Allikulam Complex, Egmore, Chennai, in C.C.No.7587 of 2018, and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in C.C.No.7587 of 2018 on the file of the learned Metropolitan Magistrate, Fast Track Court No.I, Allikulam Complex, Egmore, Chennai. He was found guilty of the offence under Section 138 of the Negotiable Instruments Act and he has been convicted and sentenced to undergo simple imprisonment for a period of two years and awarded to pay the compensation of double the cheque amount of Rs.6,00,000/- in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a period of six months as default sentence. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.252 of 2023 and the learned learned XIX Additional Judge, City Civil Court, Chennai, by order dated 22.01.2024, dismissed the above appeal, confirming the judgment and sentence imposed by



Crl.M.P No.7957 of 2025 in Crl.R.C.No.543 of 2025

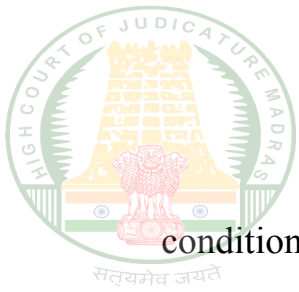
the trial Court. Aggrieved by the same, the petitioner filed the revision along

with the present 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 any condition to be imposed by this Court.

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

5. Considering the submissions of the learned counsel for the petitioner, coupled with the quantum of punishment imposed upon the petitioner and taking into consideration the fact that 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



Crl.M.P No.7957 of 2025 in Crl.R.C.No.543 of 2025

conditions:

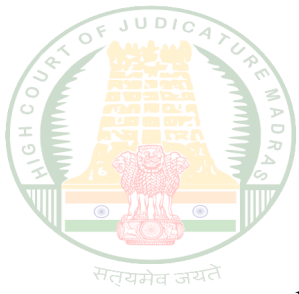
WEB COPY

(i) the petitioner shall deposit the entire cheque amount, i.e. Rs.3,00,000/- (Rupees three lakhs only), after deducting the amount which was already deposited by the petitioner, if any, to the credit of C.C.No.7587 of 2018 on the file of the learned Metropolitan Magistrate Court, Fast Track Court No.I, Allikulam Complex, Egmore, Chennai, 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;

(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;



Crl.M.P No.7957 of 2025 in Crl.R.C.No.543 of 2025

(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.

29.07.2025
(2/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts



WEB COPY



Crl.M.P No.7957 of 2025 in Crl.R.C.No.543 of 2025

G.K.ILANTHIRAIYAN, J.

rts

To

1. The XIX Additional Judge,
City Civil Court, Chennai.
2. The Metropolitan Magistrate,
Fast Track Court No.I,
Allikulam Complex, Egmore,
Chennai

Crl.M.P.No.7957 of 2025
in Crl.R.C.No.543 of 2025

29.07.2025
(2/2)