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Crl.M.P No.15670 of 2025 in  
Crl.R.C.No.1468 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM:

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

Crl.M.P.No.15670 of 2025  
in  
Crl.R.C.No. 1468 of 2025

1. Krishnaveni  
2. B.N.Srinivasa Rao ... Petitioners

Vs

S.Uma ... Respondent

**PRAYER:** Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the petitioner passed in Crl.A.No.276 of 2023 dated 11.03.2024 the learned XXII Additional City Civil Court at Chennai in C.C.No.9867 of 2017 on the file of the learned XIX Metropolitan Magistrate, Allikulam, Chennai dated 19.04.2023 and enlarge the petitioner on bail pending disposal of the Criminal Revision.

For Petitioner : Mr.P.Bakiyaraj

**ORDER**



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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in Crl.A.No.276 of 2023 dated 11.03.2024 on the file of the learned XXII Additional City Civil Court at Chennai confirming the judgment dated 19.04.2023 made in C.C.No.9867 of 2017 on the file of the learned XIX Metropolitan Magistrate, Allikulam, Chennai and enlarge the petitioner on bail pending disposal of the Criminal Revision.

2. The petitioners herein are the accused in C.C.No.9867 of 2017 on the file of the learned XIX Metropolitan Magistrate, Allikulam, Chennai. They were found guilty of the offence under Section 138 of the Negotiable Instruments Act and they were convicted and sentenced to undergo simple imprisonment for a period of six months and to pay a compensation of Rs.3,00,000/- to the complainant, in default to undergo eight weeks of simple imprisonment. Aggrieved by the same, the petitioners have filed an appeal in Crl.A No.276 of 2023 and the learned XXII Additional City Civil Court at Chennai, by the judgment dated 11.03.2025 had dismissed the above appeal. Aggrieved by the same, the present revision has been filed.



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3. The learned counsel for the petitioners/accused would submit that there are arguable points available in the Criminal Revision Case and the petitioners/accused have got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioners/accused may be suspended. He would submit that the petitioners are ready to abide the condition imposed by this Court.

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

5. Considering the fact that the petitioners have raised substantial grounds in the above revision, which requires consideration, this Court is inclined to grant suspension of sentence on the following conditions, till the disposal of the above Criminal Revision:

(i) The petitioners are ordered to be enlarged on bail, on condition that the second petitioner shall deposit the entire cheque amount, deducting the amount deposited already, if any, to the credit of C.C.No.9867 of 2017 on the



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file of the learned XIX Metropolitan Magistrate, Allikulam, Chennai, within a period of four weeks from today.

(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 petitioners/accused shall be suspended, on his executing a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;

(iv) The petitioners 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 petitioners 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 they are not able to appear before the trial Court on any day, they shall make arrangements to file



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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 her absence, as directed by the trial Court;

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

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

18.08.2025

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To

1. The XIX Metropolitan Magistrate, Allikulam, Chennai
2. The XXII Additional City Civil Court, Chennai.

**G.K.ILANTHIRAIYAN, J.**



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