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Crl.M.P.No.16222 of 2025 in
Crl.R.C.No.1572 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2025

CORAM:

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

Crl.M.P.No.16222 of 2025
in
Crl.R.C.No.1572 of 2025

1.Krishnaveni
2.B.N.Srinivasa Rao

.... Petitioners

Vs

R.Duraikannu

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to suspend the sentence imposed on the petitioner passed in Crl.A.No.278 of 2023 dated 11.03.2024 the learned XXII Additional City Civil Court at Chennai in CC.No.682 of 2018 on the file of the learned XIX Metropolitan Magistrate At Allikulam, Chennai dated 19.04.2023 and enlarge the petitioner on bail pending disposal of the criminal revision.

For Petitioners : Mr.P.Bakiyaraj



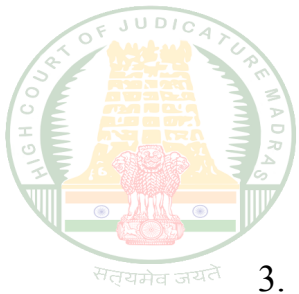
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ORDER

This Criminal Miscellaneous Petition has been filed praying to suspend the sentence imposed on the petitioner in Crl.A.No.278 of 2023 dated 11.03.2024 on the file of the learned XXII Additional City Civil Court at Chennai in CC.No.682 of 2018 on the file of the learned XIX Metropolitan Magistrate At Allikulam, Chennai dated 19.04.2023 and enlarge the petitioners on bail pending disposal of the criminal revision.

2. The petitioners are the accused in CC.No.682 of 2018 on the file of the learned XIX Metropolitan Magistrate At Allikulam, Chennai. They were found guilty of the offence under Section 138 of the Negotiable Instruments Act and they have been convicted and sentenced to undergo six months simple imprisonment. They were also ordered to pay compensation of Rs.2,00,000/- along with interest, in default, to undergo further eight weeks simple imprisonment. Aggrieved by the same, the petitioners had filed appeal in Crl.A.No.278 of 2023 and the learned XXII Additional City Civil Court at Chennai by order dated 11.03.2024, had dismissed the appeal, thereby confirming the judgment and sentence imposed by the trial Court. 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 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 petitioners, coupled with the quantum of punishment imposed upon the petitioners 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 conditions:



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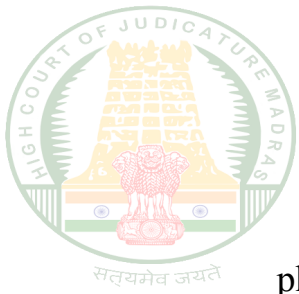
(i) the petitioners shall jointly deposit the entire cheque amount, after deducting the amount which was already deposited by the petitioners, if any, to the credit of CC.No.682 of 2018 on the file of the learned XIX Metropolitan Magistrate At Allikulam, Chennai, within a period of four weeks from today, failing which the present order of 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 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.

(iv) On the petitioners' depositing the amount as stated in clause (i) supra, the sentence of imprisonment alone, imposed on the petitioners/accused, shall be suspended, on their execution of a separate bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;

(v) The petitioners and the sureties shall affix their



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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 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 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 their absence, as directed by the trial Court;

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

28.08.2025
(2/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The learned XXII Additional City Civil Court at Chennai
- 2.The learned XIX Metropolitan Magistrate At Allikulam, Chennai

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