



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.No.19840 of 2025
in Crl.R.C.No.2138 of 2025**

R.Nithyarekha

...Petitioner

Versus

Amala Valentine

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Sections 438(1) r/w. 442 of BNSS, 2023 praying to suspend the execution of sentence imposed in C.C.No.977 of 2020 on the file of the learned Metropolitan Magistrate (FTC III) Saidapet, Chennai dated 15.03.2024 and confirmed by the judgment dated 14.08.2025 passed in C.A.No.291 of 2024 on the file of the I Additional Sessions Judge, City Civil Court, Chennai pending disposal of the above revision petition.

For Petitioner : Mr.K.Sukumaran



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner seeking to suspend the sentence imposed on her by the learned Metropolitan Magistrate, III Fast Track Court, Saidapet, Chennai vide Judgment dated 15.03.2024 in C.C.No.977 of 2020 which was confirmed by the learned I Additional Sessions Judge, City Civil Court, Chennai vide Judgment dated 14.08.2025 in C.A.No.291 of 2024 and to enlarge her on bail pending disposal of the Criminal Revision Case.

2. The petitioner is an accused in C.C.No.977 of 2020 on the file of the learned Metropolitan Magistrate, III Fast Track Court, Saidapet, Chennai. The petitioner/accused was found guilty of the offence under Section 138 of the Negotiable Instruments Act. Therefore, the trial Court vide Judgment dated 15.03.2024 in C.C.No.977 of 2020, convicted the petitioner/accused and sentenced her to undergo simple imprisonment for 6 months and to pay the cheque amount as compensation to the respondent/complainant, in default, to undergo simple imprisonment for 1



month. Aggrieved by the said conviction and sentence, petitioner/accused has preferred a Criminal Appeal in C.A.No.291 of 2024 before the learned I Additional Sessions Judge, City Civil Court, Chennai. However, the Appellate Court vide Judgment dated 14.08.2025, dismissed the said Criminal Appeal and confirmed the judgment of the trial Court. Hence, the petitioner/accused has filed the present Criminal Revision Case before this Court.

3. The learned counsel for the petitioner/accused submitted that petitioner/accused has been falsely implicated in this case and she has a fair chance of succeeding in the Criminal Revision Case and she is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on the petitioner/accused may be suspended.

4. Heard the learned counsel for petitioner/accused and perused the materials available on record.



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5. Considering the submissions made by the learned counsel for the petitioner/accused coupled with the quantum of punishment imposed on the petitioner/accused and taking into consideration of the fact that the Criminal Revision Case is likely to be taken up for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment alone.

6. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) The petitioner/accused shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of C.C.No.977 of 2020 on the file of the learned Metropolitan Magistrate, III Fast Track Court, Saidapet, Chennai, within a period of four weeks from the date of receipt of a copy of this order, failing which, this order shall stand automatically cancelled.

(ii) On such deposit being made, the respondent/complainant is permitted to withdraw the amount



deposited by the petitioner/accused in C.C.No.977 of 2020 on the file of trial Court and also, to withdraw the amount which has already been deposited by the petitioner/accused in C.C.No.977 of 2020 on the file of trial Court, on filing of undertaking affidavit before the trial Court.

(iii) If the petitioner/accused fails to deposit the aforesaid amount of Rs.50,000/-, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

(iv) The sentence of imprisonment imposed on the petitioner/accused shall be suspended and the petitioner/accused shall be released on bail on condition that she shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a likesum to the satisfaction of the trial Court;

(v) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the trial Court may obtain a copy of their Aadhaar Card or Bank Pass Book and their mobile numbers to ensure their identity;

(vi) The petitioner/accused 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 Criminal Revision Case and if she is not able to appear before the trial Court on



any day, she 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 her absence, as directed by the trial Court.

7. With the above directions, this Criminal Miscellaneous Petition is allowed.

30.10.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

1.The Metropolitan Magistrate,
III Fast Track Court, Saidapet, Chennai.

2.The I Additional Sessions Judge,
City Civil Court, Chennai.

3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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