



WEB COPY

CRL MP No. 24091 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 24091 of 2025

IN

CRL RC NO. 2760 OF 2025

B.Kuppusamy

Petitioner(s)

Vs

M. Christopher

Respondent(s)

Prayer: Criminal Miscellaneous Petition filed under Sections 397 & 401 of Cr.P.C to suspend the sentence and conviction imposed on the petitioner/ appellant/ accused herein passed by the learned IV Fast Track Metropolitan Magistrate Court, George Town, Chennai, by the judgment dated 16.04.2021 made in C.C.No.3517 of 2017 and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner(s): A.T.Anbu Kumar

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of the sentence imposed on the petitioners/accused by judgment and order dated 16.04.2021 passed in C.C.No.3517 of 2017 on the file of the learned Metropolitan Magistrate, Fast Track court at Magisterial Level – IV, George Town, Chennai, pending disposal of the appeal.

2. It is the case of the prosecution that the petitioner borrowed a sum of Rs.1,00,000/- from the defacto complainant as a hand loan and subsequently



issued a cheque dated 11.09.2017 for a sum of Rs.2,00,000/-, which was returned with the endorsement 'Funds insufficient'. Despite issuance of statutory notice, the petitioner did not honour the cheque amount. Hence, the case.

3. The petitioner/accused was convicted by the Trial Court and sentenced to undergo simple imprisonment for six months for the offences punishable under Section 138 of the Negotiable Instruments Act, and to pay a sum of Rs.2,00,000/- as compensation to the complainant, in default to undergo a further period of one month simple imprisonment for the offence punishable under Section 357(3) of Cr.P.C. Aggrieved by the same, the petitioners/accused filed Crl.RC.No.2760 of 2025 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel for the petitioner/accused submitted that the petitioner had raised substantial grounds in the revision, which require consideration; and that to show his *bona fides*, he is willing to deposit a sum of Rs.50,000/-; and prayed for suspension of sentence.

5. Considering the fact that there are arguable points raised in the revision; that the revision is not likely to be taken up in the near future; and that the petitioner/accused is willing to deposit a sum of Rs.50,000/-, this Court is inclined to suspend the sentence imposed on the petitioner herein/Accused.



6. Accordingly, this Criminal Miscellaneous Petition is allowed and till the disposal of the Criminal Revision case, the sentence imposed upon the petitioner/Accused by the trial Court, is suspended, on the following conditions:

(i) The petitioner/Accused shall deposit a sum of Rs.50,000/-, to the credit of C.C.No.3517 of 2017 on the file of the learned Metropolitan Magistrate, Fast Track court at Magisterial Level – IV, George Town, Chennai, within a period of four weeks from the date of receipt of a copy of this order;

(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 Cases;

(iii) Thereafter, the sentence of imprisonment alone imposed on the petitioner/Accused shall be suspended, on his executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Metropolitan Magistrate, Fast Track court at Magisterial Level – IV, George Town, Chennai ;

(iv) 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;

(v) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the revision and if she is not able to appear before the trial Court on any day, he shall make arrangements to file an application



under Section 317 Cr.P.C. 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; and

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

18-12-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. Metropolitan Magistrate, Fast Track court at Magisterial Level – IV, George Town, Chennai
2. The Public Prosecutor, Madras High Court.



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SUNDER MOHAN J.
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