



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 14.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.Nos.19088 & 19090 of 2025
in Crl.R.C.No.2027 of 2025**

D.Prabhukumar

...Petitioner in both Crl.M.Ps

Versus

C.Sengottaiyan

...Respondent in both Crl.M.Ps

Prayer in Crl.M.P.No.19088 of 2025 in Crl.R.C.No.2027 of 2025:

This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 praying to suspend the sentence imposed on him by the learned Judicial Magistrate No.1, Mettur in S.T.C.No.1056 of 2022 by judgment dated 07.10.2023 and enlarge him on bail pending disposal of the above Criminal Revision Petition on the file of this Court.

Prayer in Crl.M.P.No.19090 of 2025 in Crl.R.C.No.2027 of 2025:

This Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023 praying to grant exemption of surrender of the petitioner herein before the learned Additional District Judge (Fast Track Court), Mettur on the date of judgment 28.02.2025 in Crl.A.No.201 of 2023 in confirming the conviction and sentence passed by the learned Judicial Magistrate No.1,



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Mettur in S.T.C.No.1056 of 2022 by judgment dated 07.10.2023 in respect of the offence under Section 138 of the Negotiable Instruments Act.

For Petitioner in both CrI.M.Ps : Mr.T.Shanmugam

COMMON ORDER

The Criminal Miscellaneous Petition No.19088 of 2025 has been filed by the petitioner seeking to suspend the sentence imposed on him by the learned Judicial Magistrate No.1, Mettur vide Judgment dated 07.10.2023 in S.T.C.No.1056 of 2022 and enlarge him on bail pending disposal of the above Criminal Revision Petition.

2. The Criminal Miscellaneous Petition No.19090 of 2025 has been filed by the petitioner seeking to grant exemption of surrender of the petitioner before the learned Additional District Judge (Fast Track Court), Mettur on the date of judgment 28.02.2025 in CrI.A.No.201 of 2023 in confirming the conviction and sentence passed by the learned Judicial Magistrate No.1, Mettur in S.T.C.No.1056 of 2022 by judgment dated 07.10.2023 in respect of the offence under Section 138 of the Negotiable Instruments Act.



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3. The petitioner is the accused in S.T.C.No.1056 of 2022 on the file of the Judicial Magistrate No.I Court, Mettur. The petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act, 1881. Hence, the trial Court had convicted the petitioner/accused and sentenced him to undergo simple imprisonment for a period of one year. Further, the trial Court had directed the petitioner to pay a sum of Rs.9 Lakhs as compensation, in default, to undergo three months simple imprisonment. Aggrieved by the said conviction and sentence, the petitioner preferred a Criminal Appeal No.201 of 2023 before the learned Additional District Judge (Fast Track Court), Mettur. However, the learned Additional District Judge (Fast Track Court), Mettur vide Judgment dated 28.02.2025, dismissed the petitioner's Appeal and confirmed the conviction and sentence imposed by the trial Court. Hence, the petitioner has filed the Criminal Revision Case before this Court.

4. The learned counsel for the petitioner/accused submitted that the petitioner/accused had not borrowed any amount from the respondent/complainant. The petitioner's/accused's friend one



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Mr.Karuppusamy (D.W.1) had borrowed a sum of Rs.2 Lakhs as loan from the respondent/complainant. Since the said Karuppusamy is a visually challenged person, the petitioner/accused had accepted to be a guarantor of said Karuppusamy.

4.1. It is further submitted by the learned counsel for the petitioner/accused that the interest for the loan obtained by said Karuppusamy had been sent to the Bank Account of Mr.Naveen @ Naveenkumar S/o. respondent/complainant.

4.2. It is submitted by the learned counsel for the petitioner/accused that the petitioner/accused had issued the Cheque (Ex.P1) to the respondent/complainant only as security for the loan obtained by said Karuppusamy. Both the Courts below failed to properly appreciate the evidence of D.W.1.

4.3. The learned counsel for the petitioner also submitted that the petitioner/accused has a fair chance of succeeding in the Criminal Revision



Case. Therefore, the learned counsel for the petitioner/accused prayed that the substantive sentence imposed on the petitioner may be suspended.

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

6. 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 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.

7. 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.1,00,000/- (Rupees One Lakh only), after deducting the amount which was already deposited by the petitioner/accused, if any, to the credit of S.T.C.No.1056 of 2022 on the file of



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Judicial Magistrate No.I Court, Mettur, within a period of four weeks from today, failing which, this order shall stand automatically cancelled.

(ii) On such deposit being made, the trial Court shall re-deposit 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) If the petitioner/accused fails to deposit the aforesaid amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

(iv) Thereafter, the sentence of imprisonment imposed on the petitioner/accused shall be suspended on condition that he 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 the revision case and



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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 his absence, as directed by the trial Court.

8. With the above directions, Criminal Miscellaneous Petition No.19088 of 2025 is allowed. Consequently, Criminal Miscellaneous Petition No.19090 of 2025 is closed.

14.10.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note to Registry: Issue Order Copy on 14.10.2025.

To

1.The Additional District Judge (Fast Track Court),
Mettur.

2.The Judicial Magistrate No.1,
Mettur.

3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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