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CRL MP No. 19188 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 19188 of 2025

IN

CRL RC NO. 2036 OF 2025

M.Kumar

S/o.Meenakshisundaram, Partners Nuts
and Spices, 36/11, Viji Illam, Arulambal
Street, T.Nagar, Chennai - 600 017.

Petitioner(s)

Vs

N.D.Ravikumar

S/o.N.E.Devarajulu, Proprietor of
Padmathaja Exports, 15/5B,
Parameswari Nagar, II Street, Adayar,
Chennai- 600 020.

Respondent(s)

PRAYER

To suspend the sentence and enlarge him on bail in C.C.No. 4767/2016 dt. 14.02.2024 on the file of learned III Fast Track Court, Metropolitan Magistrate, Chennai as confirmed by the Learned XVII Additional Sessions, C.C.Court, Chennai by its judgment in C.A.No. 184/2024 dt. 15.09.2025 pending disposal of the above main Crl.R.C.



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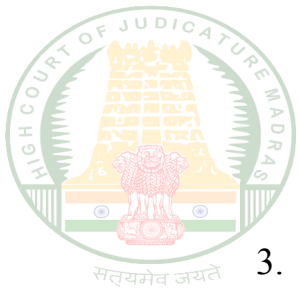


For Petitioner(s): Mr. S.Shanmugavelayutham,
Senior Advocate for
Mr. R.T. Vijayaraaghavan

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned XVII Addl. City Civil Court, Chennai in C.A.No.184 of 2024, dated 15.09.2025, confirming the Judgment dated 14.02.2024 passed in C.C.No.4767 of 2016 by the learned III Fast Track Court, Metropolitan Magistrate, Chennai and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in C.C No. 4767 of 2016 on the file of the learned III Fast Track Court, Metropolitan Magistrate, Chennai. He was found guilty of the offence under Section 138 of the Negotiable Instruments Act and he has been convicted and sentenced to undergo simple imprisonment for a period of six months and awarded to pay the cheque amount as compensation, in default, to undergo simple imprisonment for the period of two months. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.184 of 2024 before the learned XVII Addl. City Civil Court, Chennai, by an order dated 15.09.2025, had dismissed the above appeal, confirming the judgment and sentence imposed by the trial Court. Aggrieved by the same, the present revision has been filed.

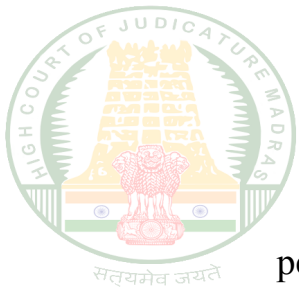


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3. The learned counsel for the petitioner/accused would submit that the court below not properly appreciated the Memorandum of understanding between the parties and still he is having valid defence. He would also submit that there are arguable points available in the Criminal Revision Case and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is 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 petitioner, coupled with the quantum of punishment imposed upon the petitioner 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. **As already 10% of the compensation was paid, the respondent is permitted to withdraw the same on filing undertaking affidavit.** 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 sentence of imprisonment alone imposed on the petitioner/accused shall be suspended on his execution of a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;

(ii) 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;

(iii) The petitioner 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 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 the date of his absence, as directed by the trial Court;

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

15-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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1. XVII Addl. City Civil Court, Chennai.

2. III Fast Track Court, Metropolitan Magistrate, Chennai



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T.V.THAMILSELVI J.

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**15-10-2025
(2/3)**