



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.Nos.18998 & 18999 of 2025
in Crl.R.C.No.2016 of 2025**

R.Santhanam

...Petitioner in both Crl.M.Ps

Versus

M.S.Antony

...Respondent in both Crl.M.Ps

Prayer in Crl.M.P.No.18998 of 2025 in Crl.R.C.No.2016 of 2025:

This Criminal Miscellaneous Petition is filed under Section 397(1) of Cr.P.C and Section 438(1) of BNSS, 2023 praying to suspend the sentence imposed in the Judgment dated 19.09.2023 made in S.T.C.No.72 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court, Tiruppur which was confirmed in the Judgment dated 28.02.2025 made in C.A.No.238 of 2013 on the file of learned I Additional District and Sessions Judge, Tiruppur and enlarge him on bail, pending disposal of the above Criminal Revision Petition.

Prayer in Crl.M.P.No.18999 of 2025 in Crl.R.C.No.2016 of 2025:

This Criminal Miscellaneous Petition is filed under Section 482 of Cr.P.C and Section 528 of BNSS, 2023 praying to exempt the petitioner



from surrendering before the trial Court in S.T.C.No.72 of 2018 on the file of learned Judicial Magistrate, Fast Track Court, Tiruppur which was confirmed in the Judgment dated 28.02.2025 made in C.A.No.238 of 2023 on the file of learned I Additional District and Sessions Judge, Tiruppur.

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

COMMON ORDER

The Criminal Miscellaneous Petition No.18998 of 2025 has been filed by the petitioner seeking to suspend the sentence imposed on him by the learned Judicial Magistrate, Fast Track Court, Tiruppur vide Judgment dated 19.09.2023 in S.T.C.No.72 of 2018 which was confirmed by the learned I Additional District and Sessions Judge, Tiruppur vide Judgment dated 28.02.2025 in C.A.No.238 of 2023 and enlarge him on bail pending disposal of the above Criminal Revision Petition.

2. The Criminal Miscellaneous Petition No.18999 of 2025 has been filed by the petitioner seeking to exempt the petitioner from surrendering before the trial Court in S.T.C.No.72 of 2018 on the file of learned Judicial Magistrate, Fast Track Court, Tiruppur which was confirmed in the



Judgment dated 28.02.2025 made in C.A.No.238 of 2023 on the file of learned I Additional District and Sessions Judge, Tiruppur.

3. The petitioner is the accused in S.T.C.No.72 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court, Tiruppur. The petitioner/accused was found guilty for the offence under Section 138 of the Negotiable Instruments Act, 1881. Hence, the trial Court had convicted the petitioner/accused under Section 255(2) of Cr.P.C and sentenced him to undergo simple imprisonment for a period of 6 months and to pay the cheque amount of Rs.6,00,000/- as compensation to respondent/complainant within a period of 1 month, in default, to undergo 1 month simple imprisonment. Aggrieved by the said conviction and sentence, petitioner/accused preferred a Criminal Appeal No.238 of 2023 before the learned I Additional District and Sessions Judge, Tiruppur. However, the learned I Additional District and Sessions Judge, Tiruppur vide Judgment dated 28.02.2025, dismissed the Appeal of petitioner/accused and confirmed the conviction and sentence imposed by the trial Court. Hence, the petitioner/accused has filed the Criminal Revision Case before this Court.



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4. The learned counsel for the petitioner/accused submitted that petitioner/accused does not know the respondent/complainant. The petitioner/accused and one Mr.Muthu Saravanan were doing Finance Business. The petitioner/accused had settled Rs.27,00,000/- to said Muthu Saravanan.

4.1. It is further submitted by the learned counsel for petitioner/accused that petitioner/accused had given a signed blank cheque to his business partner Muthu Saravanan who gave the said blank cheque to respondent/complainant. Now the respondent/complainant has filed a false case against petitioner/accused as if petitioner/accused had issued the said cheque to him for a legally enforceable debt.

4.2. It is submitted by the learned counsel for petitioner/accused that pursuant to the direction issued by the trial Court in its Judgment dated 19.09.2023 in S.T.C.No.72 of 2018, petitioner/accused had deposited 20% of the compensation amount i.e., Rs.1,20,000/- to the credit of S.T.C.No.72 of 2018 on the file of trial Court.



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4.3. The learned counsel for the petitioner/accused also submitted that the petitioner/accused is a senior citizen and he is having health issues and thus, he has been under medical treatment. Therefore, the learned counsel for the petitioner/accused prayed that the substantive sentence imposed on the petitioner/accused 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 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:



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(i) 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;

(ii) 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;

(iii) 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 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.



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8. With the above directions, Criminal Miscellaneous Petition No.19088 of 2025 is allowed. Consequently, Criminal Miscellaneous Petition No.18999 of 2025 is closed.

14.10.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

- 1.The Judicial Magistrate,
Fast Track Court, Tiruppur.
- 2.The I Additional District and Sessions Judge,
Tiruppur.
- 3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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