



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CrI.M.P.Nos. 19321 & 19322 of 2025

in

CRL RC No. 2059 of 2025

1. A.Krishna Kumar
S/o.Arunachalam, D.No.34, Ekambara
Iyer Street, Sri Guru Ragavendra
Apartment, Ambattur, Tiruvallur,
Tamilnadu-600 053

Petitioner(s)

Vs

1. State rep by the Inspector of Police
District Crime Branch, at Thomas
Mount, Chennai-600 016
Cr.No.14/1994

Respondent(s)

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Section 438(1) & 528 of BNSS, praying to call for the records in CrI.A.No.101 of 2021 on the file of the Additional District and Sessions Judge No.II, at Poonamallee dated 25.09.2025 by confirming the conviction and sentence passed in judgement dated 20.10.2021 made in CC.No.104 of 1996 on the file of the Judicial Magistrate Court No.I at Poonamallee and to exempt the petitioner from surrendering pending disposal of the above Criminal Revision Petition.



For Petitioner(s): Mr.A.M.Venkatakrisnan
for M/s.Apex Law Office

For Respondent(s): Dr.C.E.Pratap
Government Advocate (Crl.Side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking suspension of sentence imposed in Crl.A.No.101 of 2021 on the file of the Additional District and Sessions Judge No.II, at Poonamallee dated 25.09.2025 by confirming the conviction and sentence passed in judgement dated 20.10.2021 made in CC.No.104 of 1996 on the file of the Judicial Magistrate Court No.I at Poonamallee and seeking to exempt the petitioner from surrendering before the trial Court pending disposal of the above revision petition.

2. The petitioner herein is the accused in C.C.No.104 of 1996 on the file of the Judicial Magistrate Court No.I, Poonamallee. The accused was convicted



and sentenced to undergo Rigorous imprisonment for 6 months for the offence under Section 408 of IPC and sentenced to undergo Rigorous imprisonment for 6 months for the offences under Section 477 A of IPC. Aggrieved by the same, the petitioner had filed appeal in Crl.A.No.101 of 2021 on the file of Additional District and Sessions Court II, Poonamallee, was dismissed on 25.09.2025, confirming the conviction and sentence, against which the present revision has been filed.

3. The learned counsel for the petitioner submitted that the petitioner was in charge of maintaining the accounts, and that the cheques were manipulated by A2, who forged the signature of the Managing Director of the complainant company and withdrew a sum of Rs.19,53,295/-. To that effect, a forensic report has also been produced on the side of the prosecution. However, the petitioner has been falsely implicated in this case and still has a valid defence. He further submitted that the prosecution has failed to prove the case beyond reasonable doubt. The petitioner, who is aged about 64 years, is ready to abide by any condition imposed by this Hon'ble Court and, therefore, prayed for



suspension of the sentence. It was also submitted that A2 has since died, and the entire case revolves around A2, who forged the signature of the Managing Director and misappropriated the funds to the tune of Rs.19 lakhs. The petitioner still has a valid defence in this regard.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing these petitions. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the



submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police, further 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. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on his executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Poonamallee.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall report before the respondent police as and when required for interrogation and also appear before the Trial Court on every hearing, 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.

7. With the above directions, the suspension of sentence filed by the petitioner in Crl.MP.No.19321 of 2025 is ordered. Consequently, the petitions filed by the petitioner in Crl.M.P.No.19322 of 2025 seeking exemption from surrendering before the trial Court, is closed accordingly.

25-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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1.State rep by the Inspector of Police
District Crime Branch,
Thomas Mount,
Chennai-600 016.
Cr.No.14/1994

2.The Additional District and Sessions
Judge No.II, at Poonamallee.

3.The Judicial Magistrate Court No.I at
Poonamallee.



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T.V.THAMILSELVI J.
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