



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP NO. 20432 OF 2025 in Crl.R.C.No.2238 of 2025

1. CANNANE

S/o. Irissappane, No. 98, West Street,
Gandhi ThiruNallur, Puducherry- 605
009.

Petitioner(s)

Vs

1. Jamuna

W/o.Late. R.Manoharan

2.M.Mohana Priya

D/o.Late. R.Manoharan

3.M.Tharika

D/o.Late R.Manoharan, All are residing
at No. 92/7, 8th Block, North Avenue
Road, Muthamizh Nagar, Kodungaiyur,
Chennai- 600 118. R.Manoharan,
S/o.Ramalingam (Died)

Respondent(s)

PRAYER: To Suspend the sentence imposed on the petitioner by judgment dt. 29.09.2022 in C.C.No. 3653/2022 on the file of the Learned Metropolitan Magistrate, Fast Track Court-I, Allikulam, Egmore, Chennai, and confirmed by the learned VI Additional Sessions Judge, Chennai by judgment dt. 09.09.2025 in Crl.A.No. 272/2022 and to exempt the petitioner from surrendering before the trial court pending disposal of the main Criminal Revision Petition.



For Petitioner(s): R.Saravanan
K.Rathna
M.Suresh
K.Premavathy

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, to Suspend the sentence imposed on the petitioner by judgment dt. 29.09.2022 in C.C.No. 3653/2022 on the file of the Learned Metropolitan Magistrate, Fast Track Court-I, Allikulam, Egmore, Chennai, and confirmed by the learned VI Additional Sessions Judge, Chennai by judgment dt. 09.09.2025 in Crl.A.No. 272/2022 and to exempt the petitioner from surrendering before the trial court pending disposal of the main Criminal Revision Petition.

2. The petitioner herein is the accused in C.C.No. 3653/2022 on the file of the Learned Metropolitan Magistrate, Fast Track Court-I, Allikulam, Egmore, Chennai,. He was found guilty of the offence under Sections 138 of Negotiable Instrument Act and the accused sentenced to two years of simple imprisonment



with compensation of double the cheque amount as contemplated under Section 357(3) of Cr.P.C r/w 138 of N.I act and he shall undergo two years of simple imprisonment for the offence under section 138 of N.I. Act against the accused there are calender case including the above C.C.Number case are pending. Hence the accused shall concurrently undergo 2 years of simple imprisonment of sentences imposed in two cases. Compensation of double the cheque amount shall be paid to the complainant within one month in default accused shall undergo simple imprisonment of 6 months and the same is imposed u/s 255(2) of Cr.P.C. Aggrieved by the same, the petitioner filed an appeal in Crl.A.No. 272/2022, and by order dated 09.09.2025 on the file of the VI Additional Sessions Judge, Chennai by judgment, dismissed the appeal, thereby confirming the judgment and sentence imposed by the trial Court. Hence, the present revision has been filed.

3.The learned counsel for the petitioner/accused submitted that he is having a valid defence available in the Criminal revision and the petitioner/accused has a fair chance of succeeding in the Criminal revision and



hence, the substantive sentence imposed against the petitioner/accused may be suspended. He also submitted that the petitioner is ready to abide the condition imposed by this Court.

4. 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, 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, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees fifty thousand only), to the credit of C.C.No. 3653 of 2022 on the file of the Learned Metropolitan Magistrate, Fast Track Court-I, Allikulam, Egmore, Chennai,, within a period of four weeks from the date of receipt of a copy of this order.

(b) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five**



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Thousand only) with two sureties each for a like sum to the satisfaction of the learned Learned Metropolitan Magistrate, Fast Track Court-I, Allikulam, Egmore, Chennai.

(c) 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 Aadhar Cards or Bank Pass Books to ensure their identities.

(d) The petitioner shall appear before the Trial Court on every Saturday at 10.30 a.m., until the disposal of the Criminal revision 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.

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

04-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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CRL MP NO. 20432 OF 2024





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To.

1. The Learned Metropolitan Magistrate, Fast Track Court-I, Allikulam, Egmore, Chennai
2. The learned VI Additional Sessions Judge, Chennai.
3. The Public Prosecutor, High Court, Madras



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T.V.THAMILSELVI, J.

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04-11-2025

2/3