



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP Nos. 20776 & 20777 of 2025

in

CRL RC No. 2280 of 2025

Albert Raja
Proprietor,
M/s. Jose Tailor,
Old No.3, New No.7, Moovendar
Street, M.G.R. nagar, Chennai-600078.

Petitioner(s)

Vs

G.Mickel Raj
S/o.E. Ganaprakasam Nagar,
No.12, Govindasamay Street,
M.G.R. Nagar, Chennai-600078.

Respondent(s)



PRAYER in CRL MP No. 20776 of 2025: This Criminal Miscellaneous Petition has been filed seeking, to suspend the execution of sentence passed by the Learned XV Addl. District Sessions Judge, City Civil Court, Chennai in Criminal Appeal No. 682/2024 dt. 08.10.2025 confirming the conviction and sentence passed by the learned Metropolitan Magistrate Fast Track Court at Magistrate Level-V, Saidapet, Chennai -15 in C.C.No. 1000/2021 dt. 28.08.2024 till the disposal of the Revision Petition and enlarge the petitioner on bail.

PRAYER in CRL MP No. 20777 of 2025: This Criminal Miscellaneous Petition has been filed seeking, to grant exemption to surrender the petitioner before the Metropolitan Magistrate, Fast Track Court at Magistrate Level-V, Saidapet, Chennai-15 in C.C.No. 1000/2021 dt. 28.08.2024 till the revision petition is pending and thus render justice.

For Petitioner(s): Mr.M.Antony Jesurajan

COMMON ORDER

The Criminal Miscellaneous Petition in CRL MP No. 20776 of 2025 has been filed to suspend the execution of sentence passed by the Learned XV Additional District Sessions Judge, City Civil Court, Chennai in Criminal Appeal No. 682 of 2024 dated 08.10.2025 confirming the conviction and sentence passed by the learned the Metropolitan Magistrate Fast Track Court at Magistrate Level-V, Saidapet, Chennai -15 in C.C.No. 1000/2021 dated 28.08.2024 till the disposal of the Revision Petition and enlarge the petitioner



on bail.

WEB COPY

2. The Criminal Miscellaneous Petition in CRL MP No. 20777 of 2025 has been filed to grant exemption to surrender the petitioner before the Metropolitan Magistrate, Fast Track Court at Magistrate Level-V, Saidapet, Chennai-15 in C.C.No. 1000/2021 dated 28.08.2024 till the revision petition is pending.

3. The revision petitioner was convicted for the offence under Section 138 of Negotiable Instruments Act and convicted under Section 255(2) of Criminal Procedure Code and the accused is directed to undergo simple imprisonment for a period of 2 months and the accused is directed to pay the cheque amount of Rs.2,00,000/- as compensation under Section 357(3) of Criminal Procedure Code to the complainant, in default to undergo simple imprisonment of 1 month. The compensation amount is ordered to be recovered as a fine vide order dated 28.08.2024 made in C.C.No.1000 of 2021. Against which, the petitioner had preferred an appeal before the learned XV Additional District Sessions



Judge, City Civil Court, Chennai, and the same was dismissed vide order dated 08.10.2025, confirming the judgement dated 28.08.2024 passed by the learned Metropolitan Magistrate, Fast Track Court No.V, Saidapet. Aggrieved by the same, the above revision has been filed along with these petitions seeking suspension of sentence and exempting the petitioner from surrendering before the Court concerned.

4. The learned counsel for the petitioner would submit that there was a money transaction between the petitioner's wife sister and the de facto complainant and as a security for the aforesaid amount, the cheques were given and to that effect, the evidence was also produced by the petitioner before the trial Court. However, the same was not appreciated by the trial Court.

5. He further submitted that, there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable and that apprehending arrest the present petition for suspension of sentence is filed and the petitioner is not in jail.



WEB COPY

6. Having regard to the fact that there are arguable points involved in the revision petitions and further, the revision is not likely to be taken up for final hearing in the near future, I am of the considered opinion that the revision petitioner is entitled for the relief of suspension of sentence.

7. Considering the submissions made by the learned counsel on either side, the substantive sentence of imprisonment alone is suspended on the following conditions:

(a) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, in which one surety must be a blood related surety, each for a like sum to the satisfaction of the learned Metropolitan Magistrate, Fast Track Court at Magistrate Level-V, Saidapet, Chennai.

(b) The petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of C.C.No.1000 of 2021 before the Learned



WEB COPY



Metropolitan Magistrate, Fast Track Court at Magistrate Level-V, Saidapet, Chennai, within a period of four weeks from the date of receipt of a copy of this order, failing which, the suspension of respective substantive sentence of imprisonment alone granted today, shall stand automatically vacated, without any further reference to this Court.

(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 Aadhaar Cards or Bank Pass Books to ensure their identities.

(d) The petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending 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.

(e) The de facto complainant is permitted to withdraw the said amount directed to be deposited as well as the earlier



amount deposited before the trial Court.

WEB COPY

8. Accordingly, the Criminal Miscellaneous Petition in

Crl.M.P.No.20776 of 2025 is ordered.

9. In view of the order passed in Crl.M.P.No.20776 of 2025, the petition for exemption to surrender in Crl.M.P.No.20777 of 2025 is closed.

06-11-2025

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Learned Metropolitan Magistrate,

Fast Track Court at Magistrate Level-V, Saidapet, Chennai.

2. The Public Prosecutor,

Madras High Court, Chennai.



WEB COPY

CRL MP Nos. 20776 & 20777 of 2017





WEB COPY

CRL MP Nos. 20776 & 20777 of 2



T.V.THAMILSELVI J.

jd

**CRL MP Nos. 20776 &
20777 of 2025**

in

CRL RC No. 2280 of 2025

06-11-2025