



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.Nos.20905 & 20906 of 2025
in Crl.R.C.No.2303 of 2025**

P.Samual

...Petitioner in both Crl.M.Ps

Versus

S.P.Jayakumar

...Respondent in both Crl.M.Ps

Prayer in Crl.M.P.No.20905 of 2025 in Crl.R.C.No.2303 of 2025:

This Criminal Miscellaneous Petition is filed under Section 438(1) of BNSS praying to suspend the sentence of imprisonment imposed in the judgment dated 04.09.2025 made in C.A.No.68 of 2021 on the file of the II Additional District and Sessions Court, Thiruvallur @ Poonamallee confirming the conviction imposed in judgment dated 25.01.2021 made in C.C.No.292 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court (Magistrate Level), Ambattur and enlarge the petitioner on bail pending disposal of the above revision petition before this Court.

Prayer in Crl.M.P.No.20906 of 2025 in Crl.R.C.No.2303 of 2025:

This Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023 praying to grant an order of exemption from surrendering before the trial Court in pursuance to the judgment dated 04.09.2025 made in



WEB COPY

C.A.No.68 of 2021 on the file of the II Additional District and Sessions Court, Thiruvallur @ Poonamallee confirming the conviction imposed in judgment dated 25.01.2021 made in C.C.No.292 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court (Magistrate Level), Ambattur pending disposal of the above Revision Petition before this Court.

For Petitioner in both CrI.M.Ps : Mr.M.Guruprasad

COMMON ORDER

The Criminal Miscellaneous Petition No.20905 of 2025 has been filed by the petitioner seeking to suspend the sentence of imprisonment imposed on him by the learned Judicial Magistrate, Fast Track Court (Magistrate Level), Ambattur vide Judgment dated 25.01.2021 in C.C.No.292 of 2017 which was confirmed by the learned II Additional District and Sessions Judge, Thiruvallur, Poonamallee vide Judgment dated 04.09.2025 in C.A.No.68 of 2021 and enlarge him on bail pending disposal of the present Criminal Revision Petition.

2. The Criminal Miscellaneous Petition No.20906 of 2025 has been filed by the petitioner seeking to exempt him from surrendering before the trial Court in pursuance to the Judgment dated 04.09.2025 in C.A.No.68 of



WEB COM

2021 on the file of the learned II Additional District and Sessions Judge, Thiruvallur at Poonamallee confirming the conviction imposed in Judgment dated 25.01.2021 in C.C.No.292 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court (Magistrate Level), Ambattur pending disposal of the present Criminal Revision Petition.

3. The petitioner is an accused in C.C.No.292 of 2017 on the file of learned Judicial Magistrate, Fast Track Court (Magistrate Level), Ambattur. The petitioner/accused was found guilty of the offence under Section 138 of the Negotiable Instruments Act, 1881. Therefore, the trial Court vide Judgment dated 25.01.2021 in C.C.No.292 of 2017, convicted the petitioner/accused and sentenced him to undergo simple imprisonment for a period of 10 months and to pay a sum of Rs.7,00,000/- as compensation to respondent/complainant within 2 months, in default, to undergo 2 months simple imprisonment. Aggrieved by the said conviction and sentence, petitioner/accused had preferred a Criminal Appeal in C.A.No.68 of 2021 before the learned II Additional District and Sessions Judge, Thiruvallur, Poonamallee. However, the Appellate Court vide Judgment dated



04.09.2025, dismissed the said Criminal Appeal and confirmed the judgment of trial Court. Hence, petitioner/accused has filed the present Criminal Revision Case before this Court.

4. The learned counsel for petitioner/accused submitted that the disputed cheque was issued to the father of respondent/complainant for security purpose against the advance amount of Rs.50,000/- which was received from the father of respondent/complainant for selling a property to him.

4.1. It is further submitted by the learned counsel for petitioner/accused that the disputed cheque was not issued towards any legally enforceable debt payable to respondent/complainant. The Courts below failed to note that respondent/complainant did not produce any documents to establish the transaction would falsify his claim.

4.2. The learned counsel for petitioner/accused also submitted that petitioner/accused has a fair chance of succeeding in the Criminal Revision



Case and petitioner/accused is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on petitioner/accused may be suspended.

5. Heard the learned counsel for petitioner/accused and perused the materials available on record.

6. Considering the submissions made by learned counsel for petitioner/accused coupled with the quantum of punishment imposed on 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 Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on following conditions:

(i) The petitioner/accused shall deposit a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only), to the credit of C.C.No.292 of 2017 on the file of learned Judicial Magistrate, Fast Track Court (Magistrate Level), Ambattur, within a period of four weeks from the date of receipt of a copy



of this order, failing which, this order shall stand automatically cancelled.

(ii) On such deposit being made, the trial Court shall re-deposit the said amount in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Criminal Revision Case.

(iii) If petitioner/accused fails to deposit the aforesaid amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

(iv) The sentence of imprisonment imposed on 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;

(v) 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;

(vi) 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 Criminal 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.

8. With the above directions, Criminal Miscellaneous Petition No.20905 of 2025 is allowed. Consequently, Criminal Miscellaneous Petition No.20906 of 2025 is closed.

07.11.2025

mrr
Index: Yes/No
Speaking Order (or) Non-Speaking Order

To
1.The Judicial Magistrate,
Fast Track Court (Magistrate Level),
Ambattur.

2.The II Additional District and
Sessions Judge,
Thiruvallur, Poonamallee.

3.The Public Prosecutor,
High Court, Madras.



WEB COPY



T.V.THAMILSELVI, J.

mrr

Crl.M.P.Nos.20905 & 20906 of 2025
in Crl.R.C.No.2303 of 2025

07.11.2025