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CRL MP No. 20187 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 20187 of 2025

IN

CRL RC NO. 2201 OF 2025

G.Prakash

S/o.Govindarajan, Junior Assistant,
Directorate of Local Fund Audit, IV
Floor, Integrated Finance Department
Building, Nandanam, Chennai-600 035.

Petitioner(s)

Vs

J.Leelavathy

W/o.Gurumurthy, No.12/23, Bharathy
Nagar, Ayanavaram, Chennai-600 023.

Respondent(s)

PRAYER

To suspend the sentence of imprisonment imposed upon the petitioner by the judgment dated 08.08.2024 in STC No.1897/2022 on the file of the Learned XXVI Metropolitan Magistrate, Egmore, Chennai, as confirmed by the judgment dated 25.07.2025 in C.A.No.649/2024 by the Learned XX Additional Sessions Judge, City Civil Court, Chennai, and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

For Petitioner(s): Mr. K.Nagarajan



ORDER

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Challenging the impugned judgment passed by the XX Addl. Sessions Judge, City Civil Court, Chennai in Crl.A.No.649 of 2024, dated 25.07.2025 confirming the judgment passed by the XXVI Metropolitan Magistrate, Egmore, Chennai in S.T.C.No. 1897 of 2022 dated 08.08.2024, the petitioner/accused preferred this Criminal Revision Petition.

2. The petitioner herein is the accused in S.T.C No. 1897 of 2022 on the file of learned XXVI Metropolitan Magistrate, Egmore, Chennai. He was found guilty of the offence under Section 138 of the Negotiable Instruments Act and he has been convicted and sentenced to undergo simple imprisonment for a period of three months and awarded to pay the sum of Rs.2,00,000/-. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.649 of 2024 before the learned XX Addl. Sessions Judge, City Civil Court, Chennai, by an order dated 25.07.2025, had dismissed the above appeal, confirming the judgment and sentence imposed by the trial Court. Aggrieved by the same, the present revision has been filed.

3. The learned counsel for the petitioner/accused would submit that inspite of direction given by the trial court, due to his ill-health, he is not able to cross-examine P.W.1, but based on the evidence of P.W.1, the trial judge



erroneously held that there is legally enforceable debt between himself and the complainant, in fact, he has not borrowed any amount from her and he is having valid defence to prove his case and he may be given one more opportunity. He would also submit that there are arguable points available in the Criminal Revision Case and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide any condition to be imposed by this Court.

4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. Considering the submissions of the learned counsel for the petitioner stating that there is no legally enforceable debt between them, but according to the respondent/complainant, the petitioner borrowed sum of Rs.2,28,000/- and not paid any interest, for that, he gave a cheque, so he is liable to be given one more opportunity and the fact also reveals that both petitioner and respondent are known to each other and he is having valid defence to prove his case and also coupled with the quantum of punishment imposed upon the petitioner and taking into consideration the fact that 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:

(i) On such deposit of amount being ordered by this court in the main Crl.R.C., the respondent/complainant is permitted to withdraw the amount on filing undertaking affidavit;

(ii) On the failure of the petitioner/accused depositing the amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

(iii) On the petitioner depositing the amount as stated in the main Crl.R.C., the sentence of imprisonment alone, imposed on the petitioner/accused, shall be suspended, on his execution of a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;

(iv) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(v) The petitioner 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 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;

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

31-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. XX Addl. Sessions Judge, City Civil Court, Chennai.

2. XXVI Metropolitan Magistrate, Egmore, Chennai.



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T.V.THAMILSELVI J.

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**31-10-2025
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