



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRL MP NO. 21043 OF 2025, CRL MP NO. 21042 OF 2025
IN CRL RC No. 2326 of 2025**

1. K.Umapathi
S/o.Krishnaraj, Proprietor Shiva Sakthi
Export Fabrics, Plot No. 20,
Lakshmipuram, Attur By Pass Road,
Erumapalayam, Salem-15.

Petitioner(s)

Vs

1. B.Selvaraj
S/o.Arumugachettiyar, Proprietor Sri
Vishnu Traders, No. 29-22, Pajanai
Kovil Street, Pallipalayam,
Kumarapalayam Taluk, Namakkal
District- 636 006.

Respondent(s)



CRL MP No. 21043 of 2025

PRAYER

To exempt the petitioner from surrendering in S.T.C.No. 356/2020 judgment dated 13.10.2023 by the Judicial Magistrate of Komarapalayam till the disposal of the Crl.R.C.

CRL MP No. 21042 of 2025

PRAYER

To suspend the sentence imposed in judgment dated 16.09.2025 made in C.A.No. 204/2024 on the file of the II Additional District and Sessions Judge, Tiruchengode by confirming the judgment in S.T..C.No. 356/2020 by Judicial Magistrate of Komarapalayam and release the petitioner on bail pending Criminal Revision Petition.

CRL RC No. 2326 of 2025

For Petitioner(s): B Mohan
 B.M.Subash
 P.Vetrivel
 S.Bharanidharan

For Respondent:

ORDER

These petitions have been filed to suspend the sentence imposed in judgment dated 16.09.2025 made in C.A.No. 204/2024 on the file of the Learned II Additional District and Sessions Judge, Tiruchengode by confirming the judgment in S.T..C.No. 356/2020 by Learned Judicial Magistrate of Komarapalayam and release the petitioner on bail pending Criminal Revision



Petition and exempt the petitioner from surrendering in S.T.C.No. 356/2020

judgment dated 13.10.2023 by Learned Judicial Magistrate of Komarapalayam

till the disposal of this case.

2. The petitioner herein is the accused in S.T.C.No. 356/2020 on the filed of the Judicial Magistrate of Komarapalayam. He was found guilty of the offence under Sections 138 of N.I Act and sentenced to undergo one year Imprisonment. Aggrieved by the same, the petitioner had filed appeal in C.A.No. 204 of 2024 and the learned II Additional District and Sessions Judge, Tiruchengode, by order dated 16.09.2025, had dismissed the appeal and confirmed the conviction and sentence, against which the present revision has been filed.

3. The learned counsel for the petitioner/accused would 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, 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) the petitioner shall deposit a sum of **Rs.2,00,000/-** to the credit of **S.T.C.No. 356/2020** on the filed of the **Judicial Magistrate of Komarapalayam**, within a period of five weeks from today. Failing which, the order passed by this Court shall stand automatically cancelled.



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(ii) On such deposit being made, the trial Court shall redeposit 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) On the failure of the petitioner/accused depositing the above said amount, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

(iv) On the petitioner depositing the amount as stated clause (i) supra, 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;

(v) 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;

(vi) 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



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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.

10-11-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. The Judicial Magistrate of Komarapalayam.

2. The II Additional District and Sessions Judge, Tiruchengode



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T.V.THAMILSELVI J.

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**CRL RC No. 2326 of
2025
AND CRL MP NO.
21043 OF 2025,CRL MP
NO. 21042 OF 2025**

10-11-2025