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Crl.M.P.Nos.23381 & 23383 of 2025

in Crl.R.C.No.2662 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.Nos.23381 & 23383 of 2025

in

Crl.R.C.No.2662 of 2025

Kamarvadi Shivappa Mahindra
Proprietor M/s.Quikon Distributors,
4/5/6, Quikon Electronic Show Room,
BPS Exhibition Ground, Near Ana-Fonta Garden,
Margao, Goa – 403 601. ... Petitioner/Accused

Vs.

Panasonic India Private Limited,
Company incorporated under the Companies Act 1956,
Office Address : Godown No.3, Opposite Yadu Gardens,
GT Karnal Road, Alipur, New Delhi – 36. ... Respondent/Respondent

PRAYER : Criminal Miscellaneous Petitions filed under Sections 528 and 430 of BNSS, to suspend the sentence imposed in Crl.A.No.228 of 2022 dated 06.10.2025 on the file of the learned XV Additional Sessions Judge, City Civil Court, Chennai, confirming the judgment in C.C.No.1007 of 2017 dated 30.08.2017 on the file of the learned



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Metropolitan Magistrate, Fast Track Court - IV, George Town, Chennai
and to also to exempt her from surrendering before the trial Court,
pending disposal of the Criminal Revision Case.

For petitioner : Mr.R.P.Vijaya Krishnan

ORDER

This Criminal Miscellaneous Petition has been filed seeking to
suspend the sentence imposed on the petitioner/Accused by judgment
dated 30.08.2017 passed in C.C.No.1007 of 2017 by the learned
Metropolitan Magistrate, Fast Track Court - IV, George Town, Chennai
and confirmed vide judgment dated 06.10.2025 in C.A.No.228 of 2022,
by the learned XV Additional Sessions Judge, City Civil Court, Chennai.

2. It is the case of the respondent/complainant that the accused
being the dealer of the complainant had failed and neglected to honour
some of the invoices despite having receiving goods; that there was a



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balance of a sum of Rs.10,00,000/- payable by the accused; that the

accused gave a cheque for a sum of Rs.10,00,000/- dated 10.04.2015

towards the amount payable by the accused; when the cheque was

presented for encashment, the same has been returned for the reason

‘funds insufficient’. In spite of the statutory notice, the petitioner did not

pay the cheque amount.

3. The petitioner/Accused was convicted by the trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for three months and to pay Rs.10,00,000/- as compensation to the complainant.

4. Challenging the above conviction and sentence, the petitioner/Accused preferred Crl.A.No.228 of 2022. The appellate Court, vide judgment dated 06.10.2025 confirmed the judgment of conviction and sentence passed by the trial Court.



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5. Aggrieved by the same the petitioner/accused has preferred Crl.R.C.No.2662 of 2025 and pending revision has sought for suspension of sentence and to exempt him from surrendering before the trial Court, in these Criminal Miscellaneous Petitions.

6. The learned counsel for the petitioner/accused submitted that the petitioner had raised substantial grounds in the revision, which require consideration; and that to show his *bona fides*, he is willing to deposit a sum of Rs.4,00,000/-; and prayed for suspension of sentence and to exempt him from surrendering before the trial Court.

7. Considering the fact that there are arguable points raised in the revision; that the revision is not likely to be taken up in the near future;



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and that the petitioner/Accused is willing to deposit a sum of

Rs.4,00,000/-, this Court is inclined to suspend the sentence imposed on the petitioner herein/Accused and also exempt him from surrendering before the trial Court.

8. Accordingly, this Criminal Miscellaneous Petitions are allowed and till the disposal of the Criminal Revision case, the sentence imposed upon the petitioner/Accused by the trial Court, is suspended and he is exempted from surrendering before the trial Court, on the following conditions:

(i) The petitioner/Accused shall deposit a sum of Rs.4,00,000/- [Rupees four lakhs Only), to the credit of C.C.No.1007 of 2017 on the file of the learned Metropolitan Magistrate, Fast Track Court - IV, George Town, Chennai, within a period of four weeks from the date of receipt of a copy of this order;

(ii) On such deposit being made, the trial Court shall



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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 Cases;

(iii) Thereafter, the sentence of imprisonment alone imposed on the petitioner/Accused shall be suspended, on his executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Metropolitan Magistrate, Fast Track Court - IV, George Town, Chennai;

(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 month at 10.30 a.m. until



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the disposal of the revision and if she is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of her absence, as directed by the trial Court; and

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

08.12.2025

vrc

Issue order copy by ..12.2025.

Upload the order copy forthwith.

To

1. The XV Additional Sessions Judge,
City Civil Court, Chennai.



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2. The Metropolitan Magistrate,
Fast Track Court - IV, George Town, Chennai

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SUNDER MOHAN, J.

VTC

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