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CRL MP No. 20126 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 20126 of 2025

AND

CRL RC NO. 2146 OF 2025

1. Silverline System

Proprietorship Company, Proprietor
Gunaskeran.

2. Gunasekaran

Proprietor, Both having same address,
No.113/34, V.K.V. Complex, Paramathy
Road, Namakkal-637001.

Petitioner(s)

Vs

MUTHUKRISHNAN

S/o. Angamuthu, D.No.192,
Gandhipuram West, Backside Krishnan
Temple, Sendamangalam Post and
Taluk, Namakkal District.

Respondent(s)

CRL MP No. 20126 of 2025

PRAYER

To Suspend the sentence made in Judgment dt. 02.09.2023 in Crl.A.No. 109/2021, on the file of Learned I Additional District and Sessions Judge,



Namakkal confirming the conviction and sentence made in the judgment dt. 01.11.2021 made in C.C.No. 419/2016 on the file of Judicial Magistrate No.I, Namakkal and enlarge on bail pending disposal of the above Criminal Revision petition.

CRL RC No. 2146 of 2025

PRAYER

To set aside the judgement dated 02.09.2023 in Crl.A.No.109 of 2021 on the file of the I Additional District and Sessions Judge, Namakkal confirming the conviction and sentence in the judgement dated 01.11.2021 made in CC.No.419 of 2016 on the file of the Judicial Magistrate No.I, Namakkal

For Petitioner(s): Mr. W.Camyles Gandhi

For Respondent: Dr.C.E.Pratap,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the learned I Addl. District and Sessions Judge, Namakkal in Crl.A.No.109 of 2021, dated 02.09.2023, confirming the Judgment dated 01.11.2021 passed in C.C.No.419 of 2016 by the learned Judicial Magistrate No.1, Namakkal and enlarge the petitioners on bail pending disposal of the above Criminal Revision.

2. The petitioners herein are the accused 1 and 2 in C.C No. 419 of 2016 on the file of the learned Judicial Magistrate No.1, Namakkal. They



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were found guilty of the offence under Section 138 of the Negotiable Instruments Act and they have been convicted and sentenced to undergo simple imprisonment for a period of three months and awarded to pay the compensation of Rs.10,00,000/- within a period of three months. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.109 of 2021 before the learned I Addl. District and Sessions Judge, Namakkal, by an order dated 02.09.2023, 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 petitioners/accused would submit that inspite of documents adduced on his side, the trial judge erroneously held that there is legally enforceable debt between themselves and the respondent/complainant, in fact, they have not borrowed any amount from him and they are having valid defence to prove their case. He would also submit that there are arguable points available in the Criminal Revision Case and the petitioners/accused have got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioners/accused may be suspended. He would submit that the petitioners are ready to abide any condition to be imposed by this Court.



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

5. Considering the submissions of the learned counsel for the petitioners stating that inspite of documents adduced on their side, the trial judge erroneously arrived a conclusion that there is legally enforceable debt between themselves and the respondent/complainant, in fact, they have not borrowed any amount from him and they are having valid defence to prove their case and also coupled with the quantum of punishment imposed upon the petitioners 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 petitioners shall deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) to the credit of C.C.No.419 of 2016 on the file of learned **Judicial Magistrate No.I, Namakkal**, within a period of three 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 respondent/complainant is permitted to withdraw the amount on filing undertaking affidavit;

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

(iv) On the petitioners depositing the amount as stated clause (i) supra, the sentence of imprisonment alone, imposed on the petitioners/accused, shall be suspended, on their 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 petitioners 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 petitioners 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 they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial
Court;

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

29-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. I Addl. District and Sessions Judge, Namakkal.

2. Judicial Magistrate No.1, Namakkal.



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T.V.THAMILSELVI J.

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