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CRL RC No. 2716 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-12-2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**CRL MP Nos.23397, 23398, 23525 & 23797 of 2025
in CRL RC Nos. 2669, 2670, 2689 & 2716 of 2025**

T.Karthikesan

Petitioner in all cases

Vs

M.A.Manickam (Deceased)

1. V.D.Sivagami

2.M.Sheela

3.M.Malathi

4.M.Rajkumar

Respondents in all cases

CRL MP No. 23397 of 2025

PRAYER Criminal Miscellaneous Petition has been filed under Section 430 (1) of BNSS praying to suspend the order of sentence dated 20.05.2019 made in CC.No.12119 of 2009 passed by the learned Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai as confirmed by the Judgment dated 28.08.2025 made in Crl.A.No.230 of 2019 passed by the learned XX Additional Sessions City Civil Court at Chennai.

CRL MP No. 23398 of 2025

PRAYER Criminal Miscellaneous Petition has been filed under Section 430 (1) of BNSS praying to suspend the order of sentence dated 20.05.2019 made in CC.No.12118 of 2009 passed by the learned Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai as confirmed by the Judgment dated 28.08.2025 made in Crl.A.No.229 of 2019 passed by the learned XX Additional Sessions City Civil Court at Chennai.

CRL MP No. 23525 of 2025

PRAYER Criminal Miscellaneous Petition has been filed under Section 430 (1) of BNSS praying to suspend the order of Sentence dated 20.05.2019 made in C.C.No.298 of 2010 passed by the learned Metropolitan Magistrate, Fast Track Court - III, Saidapet, Chennai as confirmed by the Judgment dated 28.08.2025 made in Crl.A.No.231 of 2019 passed by the Learned XX Additional Sessions City Civil Court at Chennai.



CRL MP No. 23797 of 2025

PRAYER Criminal Miscellaneous Petition has been filed under Section 430 (1) of BNSS praying to suspend the order of sentence dated 20.05.2019 made in CC.No.10183 of 2009 passed by the learned Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai as confirmed by the Judgment dated 28.08.2025 made in Crl.A.Nos.228, 229, 230 and 231 of 2019 passed by the learned XX Additional Sessions City Civil Court at Chennai.

For Petitioner in all cases: Mr.S.Sathish Rajan

ORDER

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence passed by the learned XX Additional Sessions City Civil Court at Chennai, in Crl.A.Nos.228, 229, 230 and 231 of 2019 dated 28.08.2025, confirming the judgment of conviction and sentence passed by the learned Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai, in CC.No.12119 of 2009, CC.No.12118 of 2009 CC.No.10183 of 2009 and CC.No.298 of 2010 respectively dated 20.05.2019.

2. The case of the respondents is that the petitioner had issued ten different cheques in favour of the respondents respectively aggregating to a total sum of Rs.15,00,000/- for discharging his respective liability and when the said cheques were presented for collection, they were returned for the reason “Funds Insufficient” and in spite of statutory notice, the petitioner did not pay the cheque amount.



3. The petitioner/Accused in CC.No.12119 of 2009, CC.No.12118 of 2009 CC.No.10183 of 2009 and CC.No.298 of 2010 was convicted by the Trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for six months in each case and to pay double the amount of the cheque as compensation in each case.

4. Challenging the above conviction and sentence, the petitioner/accused preferred appeals in Crl.A.Nos.228, 229, 230 and 231 of 2019 before the learned XX Additional Sessions City Civil Court at Chennai. The Appellate Court, vide judgment dated 28.08.2025, dismissed the appeals filed by the petitioner/accused and confirmed the conviction and sentence imposed by the Trial Court.

5. Aggrieved by the above judgments of the Appellate Court, the petitioner/accused has preferred these Revisions. Pending revisions, the petitioner has sought for suspension of sentence in these Criminal Miscellaneous Petitions.

6. The learned counsel for the petitioner/accused submitted that the petitioner has raised substantial grounds in the revisions, which require consideration; that the petitioner is willing to deposit 50% of the cheque amount in each case and prayed for suspension of sentence.



7. Heard the learned counsel for the petitioner and perused the materials available on record.

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8. Considering the submissions made by the learned counsel for the petitioner that there are substantial grounds in the above revision which requires consideration and the fact that the petitioner is willing to deposit 50% of the cheque amount in each case, this Court is inclined to suspend the sentences imposed on the petitioner by the Trial Court, subject to the following conditions, till the disposal of the above Criminal Revision Cases:

(i) The petitioner/Accused shall deposit 50% of the cheque amount in each of the cases to the credit of CC.No.12119 of 2019, CC.No.12118 of 2019, CC.No.10183 of 2019 and CC.No.298 of 2010 on the file of the learned Metropolitan Magistrate, Fast Track Court-III, Saidapet, 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 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) 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-III, Saidapet, 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 the disposal of the revisions 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 317 Cr.P.C. 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; 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.

9. Accordingly, this Criminal Miscellaneous Petitions are ordered.

15-12-2025

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To

- 1.The XX Additional Sessions City Civil Court at Chennai
- 2.The Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai.



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SUNDER MOHAN J.

vum

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