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CRL MP No. 21640 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 21640 of 2025

IN

CRL RC NO. 2406 OF 2025

NIRGUNA

S/o.Srirama, Haleseeba village and
Post, Shoolagiri Taluk, Krishnagiri
District

Petitioner(s)

Vs

RAGHAVENDRAN

S/o.Munikrishnan, T.Kuruparapalli
Village, Thuppuganapalli Post,
Shoolagiri Taluk, Krishnnagiri District

Respondent(s)

PRAYER

To suspend the fine made in Criminal Appeal No.58 of 2024 on the file of the Additional District Judge, Hosur dated 26.08.2025 in confirming the conviction made in STC.No.18 of 2018 on the file of the Judicial Magistrate , Fast Track Court, Hosur dated 27.02.2024 pending disposal of Criminal Revision petition

For Petitioner(s): Mr. D.Veerasekaran

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Addl. District Judge,



Hosur in C.A.No.58 of 2024, dated 26.08.2025, confirming the Judgment dated 27.02.2024 passed in S.T.C.No.18 of 2018 by the learned Judicial Magistrate, Fast Track Court, Hosur and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in S.T.C No. 18 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court, Hosur. 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 one year and awarded to pay the compensation of Rs.6,42,000/-, in default, to undergo simple imprisonment for a period of one month. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.58 of 2024 before the learned Addl. District Judge, Hosur, by an order dated 26.08.2025, 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 raised the following grounds for consideration:-

- (a) The trial court and the appellate court failed to see that as per Sec. 269 SS and 269 T of the Income Tax Act prohibits cash transaction for more than Rs.20,000/-. Hence, the transaction of Rs.3,21,000/- made with the petitioner is not proved beyond reasonable doubt.



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- (b) The trial court and the appellate court failed to see one Jayaram obtained chit for sum of Rs.4,00,000/- from the respondent. The said Jayaram did not have cheque. Hence, he obtained the cheque from the petitioner and handed over to the petitioner for survey purpose. There is no connection between the petitioner and the respondent relating to money.
- (c) The trial court and the appellate court failed to see that the respondent is running the chit finance. One Jayaraman, Dinakaran, Vijay, Umapathi, Santhi and Ranjani were obtained chit from him. Except Jayaraman, all other gave their own cheque for security purpose. The Jayaraman did not possess cheque. Hence, he borrowed the same from the petitioner and handed over the same to the respondent for security purpose.
- (d) The trial court and the appellate court failed to see that the respondent filed a suit against the said Umapathi in O.S.No.409 of 2019 and suit against Santhi and Ranjini in O.S.No.235 of 2021 on the file of the Addl. Sessions Court, Hosur. But, the respondent filed a case against the petitioner instead of Jayaraman, who handed over the petitioner cheque is not sustainable in law.



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(e) The trial court and the appellate court failed to see that the respondent did not mention his source of income to lent the money. Hence, the conviction is not sustainable.

By submitting the above grounds, he 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:



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(i) the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of S.T.C.No.18 of 2018 on the file of learned **Judicial Magistrate, Fast Track Court, Hosur**, within a period of three weeks from today. Failing which, the order passed by this Court shall stand automatically cancelled.

(ii) On such deposit being made, the defacto complainant is permitted to withdraw the amount on filing undertaking affidavit;

(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;



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(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 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;

(vii) If any deviation in complying any condition, the suspension of sentence ordered by this court shall stand vacated;

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

19-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Addl. District Judge, Hosur.

2. Judicial Magistrate, Fast Track Court, Hosur.



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T.V.THAMILSELVI J.

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