



WEB COPY



Crl.M.P.No.22950 of 2025 in Crl.RC.No.2619 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-12-2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL MP No.22950 of 2025

in

CRL RC No.2619 of 2025

L.Raghu
S/o.Loganathan,
No.75/36, Thambu Lane,
Royapuram,
Chennai 600 013.

Office Address

L.R.Studio,
No.73/32, M.S.Koil Street,
Royapuram, Chennai - 600 013.

...Petitioner

Vs

B.Paranthaman
S/o.Balaiah,
No.40/1179,
M.S.Koil Street,
Royapuram,
Chennai - 600 013.

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 r/w 483 of BNSS, to suspend the sentence imposed on the petitioner in C.A.No.756 of 2024 on the file of the learned XV Additional Sessions Judge, City Civil Court, Chennai dated 29.08.2025 confirmed the



Judgment in C.C.No.2610 of 2018 on the file of the learned III Metropolitan Magistrate, George Town, Chennai and enlarge the petitioner on bail till the disposal of the Criminal Revision Petition.

For Petitioner : Mr.M.Murali

For Respondent :

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned XV Additional Sessions Judge, City Civil Court, Chennai, dated 29.08.2025 in C.A.No.756 of 2024, confirming the Judgment passed by the learned III Metropolitan Magistrate, George Town, Chennai, in C.C.No.2610 of 2018 dated 24.09.2024, and enlarge the petitioner on bail, pending disposal of the above Criminal Revision.

2. The case of the respondent is that the petitioner had issued a cheque for Rs.8,25,000/- (Rupees Eight Lakhs Twenty Five Thousand Only) on 18.01.2018; that when the said cheque was presented for collection, it was dishonoured for the reason “Funds Insufficient”; and that in spite of statutory notice, the petitioner did not make the payment.



3. The petitioner/accused in C.C.No.2610 of 2018 was convicted by the Trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for 1 year with compensation of a sum of Rs.8,25,000/- (Rupees Eight Lakhs Twenty Five Thousand only), in default, to undergo simple imprisonment for three months. Challenging the judgment of conviction and sentence imposed by the trial court, the petitioner has preferred an appeal in Crl.A No.756 of 2024 before the XV Additional Sessions Judge, City Civil Court, Chennai, and the said appeal was dismissed by judgment dated 29.08.2025. Aggrieved by the same, the petitioner has filed the above Criminal Revision along with the instant miscellaneous petition seeking suspension of sentence.

4 (a). Mr.M.Murali, the learned counsel for the petitioner, would submit that both the Courts below failed to appreciate that the debt is barred by limitation; that the respondent had not produced any proof to establish that the petitioner had borrowed a sum of Rs.5,00,000/- (Rupees Five Lakhs Only); that though the respondent claimed that the petitioner had executed a promissory note, the same was not filed and all these facts are admitted by the respondent in the cross-examination.



(b) He would further submit that pursuant to the Judgment of the Appellate Court, the petitioner has been arrested and he is now in custody since 03.11.2025 and prayed for suspension of sentence.

5. Heard the learned counsel for the petitioner and perused the records.

6. Considering the submissions made by the petitioner and finding force in the same, this Court is inclined to suspend the sentence imposed on the petitioner by the trial court and release him on bail subject to the following conditions, till the disposal of the above Criminal Revision :

(i) The sentence of imprisonment alone, imposed on the petitioner/accused, shall be suspended and the petitioner shall be released on bail 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 III Metropolitan Magistrate, George Town, Chennai;

(ii) 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;



WEB COPY



(iii) 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 revision 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

(iv) The petitioner/accused is directed to deposit 10% of the cheque amount i.e., Rs.82,500/- [Rupees Eighty Two Thousand Five Hundred only], within a period of four weeks from the date of receipt of a copy of this order;

(v) 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;

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



WEB COPY



Crl.M.P.No.22950 of 2025 in Crl.RC.No.2619 of 2025

7. Accordingly, this Criminal Miscellaneous Petition is ordered.

01-12-2025

dk

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Issue order copy 02.12.2025

Upload the order copy forthwith.



WEB COPY



CrI.M.P.No.22950 of 2025 in CrI.RC.No.2619 of 2025

SUNDER MOHAN J.
dk

CRL MP No.22950 of 2025
in
CRL RC No.2619 of 2025

01-12-2025
(2/2)