



CRL MP No. 21335 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP Nos. 21335 & 21336 of 2025

IN

CRL RC NO. 2363 OF 2025

Viswas Flat Promotors Pvt Ltd
Represented by its Managing Director
K.A.Shivago

Petitioner(s)

Vs

T.Prakatheeswaran
S/o.A.Thandayutham, Door No.2/263,
Manapakkam Road, Indian Bank
Building, Manapakkam, Chennai - 600
125

Respondent(s)

For Petitioner(s): Mr.M.Palanivel

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

COMMON ORDER



These Criminal Miscellaneous Petitions have been filed by the petitioners, seeking suspension of sentence imposed by the learned Judicial Magistrate, Fast Track Court, at Magistrate level, Alandur in C.C.No.99 of 2022, dated 30.10.2024, and enlarge the petitioners on bail and to exempt the petitioners from surrendering pending disposal of the above Criminal Appeal.

2. The respondent filed the complaint against the petitioners under Section 138 of Negotiable Instruments Act, before the learned Judicial Magistrate, Fast Track Court, at Magistrate level, Alandur, in CC.No.99 of 2022, dated 30.10.2024 and the petitioners 2 and 3 are sentenced to undergo a simple imprisonment of 6 months and directed the 1st petitioner to pay a fine amount of Rs.1,89,07,600/- and further directed the 1st petitioner to pay the fine amount as compensation to the complainant / respondent herein under Section 357(3) of Cr.P.C. within one month and in default of payment of compensation within one month, the 2nd and 3rd respondent / accused have to undergo a further simple imprisonment of two months considering the over all facts and circumstances of the case. Aggrieved by the same, the petitioners have filed



appeal in CrI.A.No.120 of 2024 on the file of the Additional District and Sessions Judge, Chengalpattu, was dismissed, confirming the conviction and sentence, against which the present revision has been filed.

3. The learned counsel for the petitioners/accused submitted that they are having valid defence available in the Criminal revision and the petitioners/accused have a fair chance of succeeding in the Criminal revision and hence, the substantive sentence imposed against the petitioners/accused may be suspended. He also submitted that the petitioners are ready to abide the conditions imposed by this Court.

4. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioners, also by considering the submissions of the learned counsel for the petitioners, further 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, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) the petitioners/accused are ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court, at Magistrate level, Alandur.

(b) The petitioners/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhar Cards or Bank Pass Books to ensure their identities.

(c) The petitioners shall appear before the Trial Court on every Saturday at 10.30 a.m., until the disposal of the Criminal 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 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.



5. With the above directions, the suspension of sentence filed by the petitioners in Crl.MP.No.21335 of 2025 is ordered. Consequently, the petition filed by the petitioners in Crl.M.P.No.21336 of 2025 seeking exemption from surrendering before the trial Court, is closed accordingly.

13-11-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To
WEB COPY

1.T.Prakatheeswaran
S/o.A.Thandayutham, Door No.2/263,
Manapakkam Road, Indian Bank
Building, Manapakkam,
Chennai - 600 125.

2.The Judicial Magistrate, Fast Track
Court, at Magistrate level, Alandur.



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T.V.THAMILSELVI J.
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