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CRL MP No. 21899 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 21899 of 2025

IN

CRL RC NO. 2440 OF 2025

C.Krishnamoorthy
S/o.Chenniappa Gounder,
Partner of M/s.Covai Steels,
595, Mettupalayam Road, Near North
Covai Fly Over, Coimbatore-641 043

Petitioner(s)

Vs

R.Sugumar
S/o.M.R.Rajamanickam,
D.No.6, Saravana Nagar, Vedapatti,
Coimbatore-641 007

Respondent(s)

PRAYER

To suspend the sentence imposed on the petitioner by the judgement passed by the Learned Judicial Magistrate, Fast track Court at Magisterial Level-II, Coimbatore in CC.No.212 of 2017 dated 30.04.2024 confirmed by the Judgement dated 25.08.2025 made in Crl.A.No.258 of 2024 on the file of the Learned I Additional District and Sessions Judge, Coimbatore and enlarge the petitioner on bail pending disposal of the above Criminal Revision



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For Petitioner(s): Mr.K.Raja

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned I Addl. District and Sessions Judge, Coimbatore in C.A.No.258 of 2024, dated 25.08.2025, confirming the Judgment dated 30.04.2024 passed in C.C.No.212 of 2017 by the learned Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in C.C No. 212 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore. 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 nine months and awarded to pay the compensation of Rs.20,00,000/- and 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.258 of 2024 before the learned I Addl. District and Sessions Judge, by an order dated 25.08.2025, 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 would submit that there is no legally enforceable debt between the petitioner and complainant and the petitioner is not aware of the respondent and he is a financier by profession and he has made a false claim nor he proved the source of income, inspite of that, he was convicted. Hence, he is having valid defence to prove his case. He would also raised the following grounds for consideration:-

- (a) the lower courts failed to see that the presumption was rebutted by the petitioners herein and burden was shifted to the respondent herein.
- (b) The lower courts failed to see that there was no debt at all to the respondent herein.
- (c) The lower courts failed to see that the individual loan could not be converted to the firm's loan.
- (d) The lower courts failed to see that when how, name of the petitioner's firm, percentage of interest, in whose presence loan had been given to the petitioners was not stated by the respondent herein to prove that the loan had been given to the petitioners.
- (e) The lower courts failed to appreciate the principle of preponderance of probabilities in its proper perspective manner.

He would also submit that he has been falsely implicated in this case and 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. According to the petitioner, there is no legally enforceable debt between the petitioner and complainant and the petitioner is not aware of the respondent now he has proved the source of income and he is having vaild defence to prove his case and also coupled with the quantum of punishment imposed upon the petitioner. Considering that 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 petitioner shall deposit a sum of Rs.4,00,000/- (Rupees four lakhs only) to the credit of C.C.No.212 of 2017 on the file of learned **Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore**, 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 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;

(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,



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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 the conditions, the order of suspension of sentence 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. I Addl. District and Sessions Judge, Coimbatore.

2. Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore.



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T.V.THAMILSELVI J.

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