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CRL RC No. 2384 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRL MP NO. 21551 OF 2025,CRL MP NO. 21552 OF 2025
IN CRL RC No. 2384 of 2025**

1. NOWNIHAL

W/o.Iithiris No.643/27C, Pallivasal
Street, Santhapet, Thirukoilur Town,
Kallakurichi District

Petitioner(s)

Vs

1. Noor Mohammed

S/o.Kader Diwan No.19/4,
Kanakanadal Road, Santhapet,
Thirukoilur Taluk Kallakurichi District

Respondent(s)

CRL MP No. 21551 of 2025

PRAYER

To grant suspension of sentence in favour of the petitioner in judgement dated 06.06.2025 passed in CrI.A.No.76 of 2024 and appeal filed under section 374 of Cr.PC in the court of the District and Sessions Judge, Kallakurichi against the judgement dated 20.12.2023 passed in CC.No.185 of 2018 on the file of the court of Judicial Magistrate, Thirukoilur

CRL MP No. 21552 of 2025

PRAYER

To grant exemption of surrender in favour of the petitioner in judgement dated 06.06.2025 passed in CrI.A.No.76 of 2024 an Appeal filed under section 374 of CrPC in the court of the District and Sessions Judge, Kallakurichi against the judgement dated 20.12.2023 passed in CC.No.185 of 2018 on the file of the Court of Judicial Magistrate, Thirukoilur



CRL RC No. 2384 of 2025

For Petitioner(s): A.Ashwinkumar
S.Udhayakumar
Vishnu Ram
S.Sukanya

For Respondent:

ORDER

These petitions have been filed to grant suspension of sentence in favour of the petitioner in judgement dated 06.06.2025 passed in Crl.A.No.76 of 2024 and appeal filed under section 374 of Cr.PC in the court of the District and Sessions Judge, Kallakurichi against the judgement dated 20.12.2023 passed in CC.No.185 of 2018 on the file of the court of Judicial Magistrate, Thirukoilur and to grant exemption from surrender.

2. The petitioner herein is the accused in CC.No.185 of 2018 on the file of the court of Judicial Magistrate, Thirukoilur. He was found guilty of the offence under section 138 of N.I Act and convicted by the Trial court and sentenced him to undergo 10 months Simple Imprisonment and ordered to pay a sum of Rs.15,00,000/- as compensation. Aggrieved by the same, the petitioner had filed an appeal in Crl.A.No.76 of 2024 on the file of the District and Sessions Judge, Kallakurichi by judgement dated 06.06.2025, it had dismissed



the appeal and confirmed the conviction and sentence, against which the present revision has been filed.

3. The learned counsel for the petitioner/accused 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:

(i) the petitioner shall deposit a sum of **Rs.2,00,000/-** to



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the credit of CC.No.185 of 2018 on the file of the court of Judicial Magistrate, Thirukoilur, within a period of 4 weeks from today. Failing which, the order passed by this Court shall stand automatically cancelled.

(ii) On such deposit being made, the respondent is permitted to withdraw the amount.

(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, 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;

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6. With the above directions, CrI.Mp. No. 21551 of 2025 is ordered and CrI.MP. No. 21552 of 2025 is closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The District and Sessions Judge, Kallakurichi.
2. The Judicial Magistrate, Thirukoilur.



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T.V.THAMILSELVI J.
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