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CRL MP No. 21629 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 21629 of 2025

IN

CRL RC NO. 2403 OF 2025

C.Ayyappan
Son of Chandrasekaran,
Door No.24, Perumanallur Road,
Tirupur Town, Tirupur Post,
Tirupur District.

Petitioner(s)

Vs

S.M.Deepak Kumar
Son of Matheswaran,
Door No.99/1, Puliyankadu, Sankari
Road, Seetharampalayam Post,
Tiruchengode Town and Taluk,
Namakkal District - 637 303.

Respondent(s)

CRL MP No. 21629 of 2025

PRAYER

To suspend the judgment of conviction and sentence dated 03.11.2025 passed by the II Additional District and Sessions Judge, Tiruchengode in Criminal Appeal No.88 of 2024 confirming the judgment of conviction and sentence dated 25.04.2024 passed by the Judicial Magistrate, (Fast Track Court),



Tiruchengode in S.T.C.NO.230 of 2021 pending disposal of the above Criminal Revision Case.

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For Petitioner(s): Mr.K.Sasi

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned II Addl. District and Sessions Judge, Tiruchengode in C.A.No.88 of 2024, dated 03.11.2025, confirming the Judgment dated 25.04.2024 passed in S.T.C.No.230 of 2021 by the learned Judicial Magistrate (Fast Track Court), Tiruchengode 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. 230 of 2021 on the file of the learned Judicial Magistrate (Fast Track Court), Tiruchengode. 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.4,00,000/-. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.88 of 2024 before the learned II Addl. District and Sessions Judge, Tiruchengode, by an order dated 03.11.2025, 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 the respondent/complainant and he was not aware of respondent/complainant also. He would submit that before the trial court, the defence side evidence was closed and proper opportunity was also not given to him. 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 stating that there is no legally enforceable debt between the petitioner and the respondent/complainant and he was not aware of respondent/complainant, and also 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.50,000/- (Rupees fifty thousand only) to the credit of S.T.C.No.230 of 2021 on the file of learned **Judicial Magistrate (Fast Track Court), Tiruchengode**, 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 respondent/complainant is permitted to withdraw the said amount as well as the earlier amount deposited before the court below 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;



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(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;

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

17-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. II Addl. District and Sessions Judge, Tiruchengode.

2. Judicial Magistrate (Fast Track Court), Tiruchengode.



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T.V.THAMILSELVI J.

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