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CRL MP No. 21991 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 21991 of 2025

IN

CRL RC NO. 2475 OF 2025

S.Mylappan

S/o.Late Santhanam, Prop.Sri New
Peacock Printers, No.84/7, Arcot Road,
Vadapalani, Chennai-26.

Petitioner(s)

Vs

M.Ezhil Arasan

S/o.Late Mr.V.Manivanna Mudaliar,
No.14, D.R.R.Street, Charles Nagar,
Pattabiram, Chennai-600 073.

Respondent(s)

CRL MP No. 21991 of 2025

PRAYER

To suspend the sentence imposed on the petitioner by the Learned Metropolitan Magistrate, FTC-IV, George Town, at Chennai dated 31.01.2023 in CC No.1230/2013 and as confirmed by the Learned XX-Additional Sessions Judge, City Civil Court, at Chennai, dated 27.06.2025 in Crl.A.No.76/2023 pending disposal of the above Crl.R.C.



For Petitioner(s): Mr. V.Sairam

ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned XX Addl. Sessions Judge, City Civil Court, Chennai in Crl.A.No.76 of 2023, dated 27.06.2025, confirming the Judgment dated 31.01.2023 passed in C.C.No.1230 of 2013 by the learned Metropolitan Magistrate, FTC-IV, George Town, Chennai and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in C.C No. 1230 of 2013 on the file of the learned Metropolitan Magistrate, FTC-IV, George Town, Chennai. 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 three months and awarded to pay the compensation of Rs.7,00,000/-. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.76 of 2023 before the learned XX Addl. Sessions, City Civil Court, Chennai, by an order dated 27.06.2025, 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 the alleged cheque was taken from him forcibly and deposited, against which,



already he gave a telegram notice even before issuing notice to him and the same was produced before the trial court, but it was not properly appreciated by the trial court. He would submit that he is having valid defence to prove his case and 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. On perusal of records, it reveals the fact that on 27.01.2012 the petitioner had issued telegram notice about the alleged incident, wherein it was averred that there was money transaction between them, due to which, with the help of hooligans, he was abducted and some documents were obtained forcibly. Hence, he is having valid defence. Considering that and 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:

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(i) the petitioner shall deposit a sum of Rs.50,000/- (Rupees fifty thousand only) to the credit of C.C.No.1230 of 2013 on the file of learned **Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai**, 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 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



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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;

(vii) If any deviation in complying any condition, the suspension of sentence ordered by this court shall stand vacated;

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

21-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. XX Addl. Sessions Judge, City Civil Court, Chennai.

2. Metropolitan Magistrate, FTC-IV, George, Town, Chennai.



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T.V.THAMILSELVI J.

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(2/2)**