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CRL MP No. 22340 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 22340 of 2025

IN

CRL RC NO. 2515 OF 2025

S.Senthilkumar

S/o. Shanmugam, No.14, Pugazhanthi

Street,Rajajipuram Thiruvallur-602001.

Petitioner(s)

Vs

M.Laksmipathy

S/o. Munirathinam, Vivekannathar

Street, Thiruvallur-602001.

Respondent(s)

PRAYER

To suspend the sentence imposed in Crl.A.No.77/2023 dated 05.11.2025 on the file of the Learned I Additional District and Sessions Judge, Tiruvallur confirming the Judgement and conviction the learned Fast Track at Magisterial judgement and conviction of the learned Fast Track at Magestiral Level, Tiruvallur, in S.T.C.No.64/2018 dated 01.08.2022.



For Petitioner(s): Mr. B.Sundarapandiyan

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, Tiruvallur in Crl.A.No.77 of 2023, dated 05.11.2025, confirming the Judgment dated 01.08.2022 passed in S.T.C.No.64 of 2018 by the learned Fast Track Court at Magisterial Level, Tiruvallur 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. 64 of 2018 on the file of the learned Fast Track at Magisterial Level, Tiruvallur. 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 six months and awarded to pay the compensation of Rs.10,00,000/-, in default, to undergo simple imprisonment for a further period of three months. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.77 of 2023 before the learned I Addl. District and Sessions Judge, Tiruvallur, by an



order dated 05.11.2025, 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 the cheque was manipulated by the respondent and though he had proved manipulation with regard to connected material documents as well as difference of entry, the court below failed to appreciate the same. He would submit that he has borrowed only a sum of Rs.3,00,000/- and the original sale deed belongs to this petitioner is also in the hands of respondent. As on date, according to the petitioner, there is no legally enforceable debt between himself and the respondent. He would submit that he is having valid defence 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. Considering the submissions of the learned counsel for the



petitioner stating that there is no legally enforceable debt between himself and the respondent. He would submit that he is having valid defence to prove his case and before the trial court he has also adduced evidence on his side by examining D.W.2 and D.W.3 and the fact that as on date, sale deed belongs to this petitioner was in the hands of respondent 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.

6. Furthermore, as per contentions of the petitioner, he has already deposited a sum of Rs.2,00,000/- (Rupees two lakhs only) to the credit of S.T.C.No.64 of 2018 on the file of learned Fast Track at Magisterial Level, Tiruvallur. The respondent/complainant is permitted to withdraw the said amount on filing undertaking affidavit.

7. 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 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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(ii) 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;

(iii) 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;

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

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

25-11-2025

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, Tiruvallur.

2. The Fast Track at Magisterial Level, Tiruvallur.



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T.V.THAMILSELVI J.

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