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CRL MP No. 22615 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 22615 of 2025

in

CRL RC No. 2560 of 2025

G.Mayuripriyan
S/o.Ganapathi,
New No. 247, Old no. 147, Mettur Main Road,
Kombur, Nerunchipettai, Ammapetai Post,
Anthiyur Taluk, Erode District.

..Petitioner(s)

Vs

E.Srikumar
S/o.Eswaramoorthi,
No. 10, Palanipuram 6th Street,
Bhavani Town and Village,
Bhavani Taluk, Erode District.

..Respondent(s)

To suspend the sentence of imprisonment imposed in the judgment dt. 25.08.2025 made in C.A.No. 05/2023 on the file of the Learned IV Additional District and Sessions Judge, Erode District at bhavani, confirming the conviction imposed in Judgment dt., 15.11.2022 made in S.T.C.No. 1433/2017 on the file of Learned Judicial Magistrate No.I, Bhavani and enlarge the petitioner on bail pending disposal of the above Criminal Revision petition.

For Petitioner(s):

Mr. M.Guruprasad



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned IV Addl. District and Sessions Judge, Erode District at Bhavani in C.A.No.05 of 2023, dated 25.08.2025, confirming the Judgment dated 15.11.2022 passed in S.T.C.No.1433 of 2017 by the learned Judicial Magistrate No.1, Bhavani 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. 1433 of 2017 on the file of the learned Judicial Magistrate No.1, Bhavani. 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.5,00,000/-, 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.05 of 2023 before the learned IV Addl. District and Sessions Judge, Erode, 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 himself and respondent, in fact, one Kumar was involved in the alleged transaction and the cheque was handed over to the said Kumar, but the respondent/complainant erroneously initiated proceedings against him. 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. Considering the submissions of the learned counsel for the petitioner stating that there is no legally enforceable debt between himself and respondent, in fact, one Kumar was involved in the alleged transaction and the cheque was handed over to the said Kumar, but the respondent/complainant erroneously initiated proceedings against him and he is having valid defence to prove his case 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 another sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of C.C.No.645 of 2020 on the file of learned **Judicial Magistrate, Sulur, Coimbatore**, within a period of four 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 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



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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;

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

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

27-11-2025

RPP

To

1. Addl. District and Sessions Judge, Erode District at Bhavani



2. Judicial Magistrate No.I, Bhavani

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T.V.THAMILSELVI, J.

RPP

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AND
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**27-11-2025
(2/3)**