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Crl.M.P.No.23625 of 2025
in Crl.R.C.No.2414 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.No.23625 of 2025

in

Crl.R.C.No.2414 of 2025

T.Senthil Kumar

...Petitioner

-VS-

M/s.Tanishi International,
Rep. By its Proprietor, Mr.Kinish Rathi,
S/o.Sri Daulal Rathi,
No.10, Medavakkam Tank Road,
Kellys, Chennai – 600 010.

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 438 r/w 442 of BNSS, praying to suspend the sentence passed by the learned I Additional Sessions Judge, V Additional Sessions Court (FAC), Chennai, in Crl.A.No.575 of 2023 in its order dated 12.09.2025 and order of sentence dated 05.09.2023 passed in STC.No.814 of 2022 on the file of the learned Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam, Chennai – 03.

For Petitioner : Mr.M.Anthony Moses
for M/s.Acuity Law Associates



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ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence passed by the learned I Additional Sessions Judge, V Additional Sessions Court (FAC), Chennai, in Crl.A.No.575 of 2023 dated 12.09.2025, confirming the judgment of conviction and sentence passed by the learned Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam, Chennai, in S.T.C.No.814 of 2022 dated 05.09.2023.

2. The case of the prosecution is that the petitioner had issued three cheques, each for a sum of Rs.2,50,000/-, totalling, Rs.7,50,000/- towards discharge of his liability; that when the said cheques were presented for collection, they were returned for the reason “Funds Insufficient” and in spite of statutory notice, the petitioner did not make any payment.



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3. The petitioner/Accused in S.T.C.No.814 of 2022 was convicted by the Trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for one year with compensation of the cheque amount, in default, to undergo Simple Imprisonment for three months.

4. Challenging the above conviction and sentence, the petitioner/accused preferred an appeal in Crl.A.No.575 of 2023 before the learned I Additional Sessions Judge, V Additional Sessions Court (FAC), Chennai. The Appellate Court, vide judgment dated 12.09.2025, dismissed the appeal filed by the petitioner/accused and confirmed the conviction and sentence imposed by the Trial Court.

5. Aggrieved by the above judgment of the Appellate Court, the petitioner/accused has preferred this Revision. Pending revision, the petitioner has sought for suspension of sentence in this Criminal Miscellaneous Petition.



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6. The learned counsel for the petitioner/accused submitted that the petitioner has raised substantial grounds in the revision, which requires consideration; that the petitioner has already deposited 20% of the cheque amount of Rs.7,50,000/-; and that to show his *bona fide*, he is willing to deposit further sum equivalent to 20% of the cheque amount; and prayed for suspension of sentence.

7. Heard the learned counsel for the petitioner and perused the materials available on record.

8. Considering the submissions made by the learned counsel for the petitioner that there are substantial grounds in the above revision which requires consideration and the fact that the petitioner is willing to deposit 20% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner by the Trial Court, subject to the following conditions, till the disposal of the above Criminal Revision Case:

(i) The petitioner/Accused shall deposit 20% of the cheque amount, i.e., Rs.1,50,000/- [Rupees One Lakh Fifty



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Thousand Only), to the credit of S.T.C.No.814 of 2022 on the file of the learned Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam, Chennai, within a period of four weeks from the date of receipt of a copy of this order;

(ii) On such deposit being made, the Trial Court shall redeposit the said amount in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Criminal Revision Case;

(iii) Thereafter, the sentence of imprisonment alone imposed on the petitioner/Accused shall be suspended, on his executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam, Chennai,;

(iv) 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;



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(v) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the revision 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 317 Cr.P.C. 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; and

(vi) On the failure of the petitioner/Accused, depositing the said amount, it is open to the Trial Court to commit the petitioner/accused into custody for undergoing the sentence.

9. Accordingly, this Criminal Miscellaneous Petition is ordered.

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To

- 1.The I Additional Sessions Judge,
V Additional Sessions Court (FAC), Chennai.
- 2.The Metropolitan Magistrate, Fast Track Court-I,
Egmore @ Allikulam, Chennai.



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SUNDER MOHAN, J.

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