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Crl.M.P.No.23495 of 2025

in Crl.R.C.No.2684 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **08.12.2025**

CORAM

THE HONOURABLE **MR.JUSTICE SUNDER MOHAN**

Crl.M.P.No.23495 of 2025

in

Crl.R.C.No.2684 of 2025

S.Diwakar

... Petitioner/Accused

Vs.

T.Karunakaran

... Respondent/complainant

PRAYER : Criminal Miscellaneous Petition filed under Section 438 (1) of BNSS, to suspend the sentence imposed in Crl.A.No.306 of 2025 dated 22.09.2025 on the file of the learned XVI Additional Sessions City Civil Court at Chennai, confirming the judgment in STC No.10693 of 2023 dated 31.01.2025 on the file of the learned Metropolitan Magistrate Court, Egmore at Allikulam, Chennai - 3.

For petitioner : Mr.A.Balasingh Ramanujam

ORDER



Crl.M.P.No.23495 of 2025

in Crl.R.C.No.2684 of 2025

This Criminal Miscellaneous Petition has been filed seeking to

suspend the sentence imposed on the petitioner/Accused by judgment

dated 31.01.2025 passed in STC No.10693 of 2023 by the learned XX

Metropolitan Magistrate Court, Egmore at Allikulam, Chennai - 3 and

confirmed vide judgment dated 22.09.2025 in C.A.No.306 of 2025, by

the XVI Additional Sessions City Civil Court at Chennai.

2. It is the case of the respondent/complainant that the accused is engaged in the business of construction and promoting residential apartments; that towards discharge of his liability, the petitioner had issued a cheque for a sum of Rs.10 lakhs; that when the cheque was presented for encashment, the same was returned for insufficient funds; and that despite the statutory notice, the petitioner did not pay the cheque amount.



Crl.M.P.No.23495 of 2025

in Crl.R.C.No.2684 of 2025

3. The petitioner/Accused 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 and to pay Rs.16,00,000/- as compensation and in default to undergo simple imprisonment for three month.

4. Challenging the above conviction and sentence, the petitioner/Accused preferred Crl.A.No.306 of 2025. The appellate Court, vide judgment dated 22.09.2025 confirmed the judgment of conviction and sentence passed by the trial Court.

5. Aggrieved by the same the petitioner/accused has preferred Crl.R.C.No.2684 of 2025 and pending revision has sought for suspension of sentence, in this Criminal Miscellaneous Petition.



Crl.M.P.No.23495 of 2025

in Crl.R.C.No.2684 of 2025

6. The learned counsel for the petitioner/accused submitted that the

petitioner had raised substantial grounds in the revision, which require consideration; that the amount had already been settled; that the respondent had misused the cheque; and that to show his *bona fides*, he is willing to deposit a sum of Rs.2,00,000/-; and prayed for suspension of sentence.

7. Considering the fact that there are arguable points raised in the revision; that the revision is not likely to be taken up in the near future; and that the petitioner/Accused is willing to deposit a sum of Rs.2,00,000/- [Rupees two lakhs], this Court is inclined to suspend the sentence imposed on the petitioner herein/Accused.

8. Accordingly, this Criminal Miscellaneous Petition is allowed and till disposal of the Criminal Revision Case, the sentence imposed



Crl.M.P.No.23495 of 2025

in Crl.R.C.No.2684 of 2025

upon the petitioner/accused by the trial Court is suspended, on the following conditions.

[i] The petitioner/Accused shall deposit a sum of Rs.2,00,000/- [Rupees Two lakhs Only), to the credit of STC No.10693 of 2023 on the file of the XX Metropolitan Magistrate Court, Egmore at Allikulam, Chennai - 3, 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 Cases;

[iii] Thereafter, the sentence of imprisonment alone, imposed on the petitioner/accused, shall be suspended and the petitioner shall be released on bail 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 XX Metropolitan Magistrate, Egmore at Allikulam Chennai;

(iv) The petitioner and the sureties shall affix their



Crl.M.P.No.23495 of 2025

in Crl.R.C.No.2684 of 2025

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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;

(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 within the stipulated period it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

08.12.2025

vrc

Issue order copy by 09..12.2025.

Page No.6 of 9



Crl.M.P.No.23495 of 2025
in Crl.R.C.No.2684 of 2025

Upload the order copy forthwith.

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To

1. The XVI Additional Sessions Judge,
City Civil Court, Chennai.
2. The XX Metropolitan Magistrate,
Egmore, Allikulam, Chennai – 3.



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Crl.M.P.No.23495 of 2025
in Crl.R.C.No.2684 of 2025

SUNDER MOHAN, J.

VRC

Crl.M.P.No.23495 of 2025
in Crl.R.C.No.2684 of 2025



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CrI.M.P.No.23495 of 2025
in CrI.R.C.No.2684 of 2025

08.12.2025