



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

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

CRL MP NO. 22766 OF 2025

AND

CRL RC No. 2590 of 2025

VIJAYALAKSHMI

W/o. Ujjal Singh,
Sankarapuram and Taluk,
Kallakuruchi District.

..Petitioner(s)

Vs

KRISHNAMOORTHY

S/o. Anguraj,
Plot NO.10, Perumal Koil Street, Kallakuruchi
Town, Kallakuruchi Taluk and District.

..Respondent(s)

To suspend the sentence made under judgment dated 13.08.2025 in Crl.A.No. 6 of 2025 on the file of Principal Sessions Judge, Kallakuruchi confirming the conviction and sentence in the judgment passed by the Judicial Magistrate (FTC), Kallakuruchi, made in C.C.No.56 of 2023, dated 23.01.2025.

For Petitioner(s):

Mr. B. Manoharan

Order

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Principal Sessions



Judge, Kallakurichi in Crl.A.No.6 of 2025, dated 13.08.2025, confirming the conviction and sentence in the Judgment dated 23.01.2025 passed in C.C.No.56 of 2023 by the learned Judicial Magistrate (FTC), Kallakurichi and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in C.C No. 56 of 2023 on the file of the learned Judicial Magistrate (FTC), Kallakurichi. 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 seven months and awarded to pay the compensation of Rs.7,00,000/-, in default, to undergo simple imprisonment for two months. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.6 of 2025 before the learned Principal Sessions Judge, Kallakurichi, by an order dated 13.08.2025, 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 he borrowed only a sum of Rs.2,00,000/- and though the entire amount was paid, the respondent/complainant had presented the cheque in the bank and also lodged the present complaint claiming a sum of Rs.7,00,000/-. He would also submit that there is no legally enforceable debt between himself and the respondent, to that effect, he has also produced the documents Ex.B1 to Ex.B7,



but it was not properly appreciated by the court below. He would further submit that 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 he borrowed a sum of Rs.2,00,000/- and though the entire amount was paid, the respondent/complainant had presented the cheque in the bank and also lodged the present complaint claiming a sum of Rs.7,00,000/-. Moreover, there is no legally enforceable debt between himself and the respondent, to that effect, he has also produced the documents Ex.B1 to Ex.B7, but it was not properly appreciated by the court below. Considering that 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:

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(i) the petitioner shall deposit a sum of Rs.75,000/- (Rupees seventy five thousand only) to the credit of C.C.No.56 of 2023 on the file of learned **Judicial Magistrate (FTC), Kallakurichi**, within a period of two weeks from today.

(ii) On such deposit being made, the respondent/complainant is permitted to withdraw the said amount as well as earlier amount of Rs.1,40,000/-, which was already deposited before the court below 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 the trial Court may obtain a copy of their Aadhar card or Bank



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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. Principal Sessions Judge, Kallakurichi.

2. Judicial Magistrate (FTC), Kallakurichi.



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CRL MP No. 22766 of 2



T.V.THAMILSELVI J.

RPP

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27-11-2025

(2/3)