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Crl.M.P.No.23526 of 2025

in Crl.R.C.No.2687 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.23526 of 2025

in

Crl.R.C.No.2687 of 2025

M.Senthil

... Petitioner/Accused

Vs.

N.Bharathi

... Respondent/complainant

**PRAYER** : Criminal Miscellaneous Petition filed under Section 438 (1) of BNSS, to suspend the sentence imposed in Crl.A.No.79 of 2023 dated 11.08.2025 on the file of the learned Principal District and Sessions Judge, Chengalpet, confirming the judgment in C.C.No.27 of 2019 dated 26.06.2023 on the file of the learned Judicial Magistrate, Fast Tract Court [Magisterial Level], Alandur.

For petitioner : Mr.V.Selvaraj

**ORDER**

This Criminal Miscellaneous Petition has been filed seeking to



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suspend the sentence imposed on the petitioner/Accused by judgment dated 26.06.2023 passed in C.C.No.27 of 2019 by the learned Judicial Magistrate, Fast Tract Court [Magisterial Level], Alandur and confirmed vide judgment dated 11.08.2025 in C.A.No.79 of 2023, by the learned Principal District and Sessions Judge, Chengalpet.

2. It is the case of the respondent/complainant that the petitioner borrowed a sum of Rs.9,00,000/- from the respondent promising to repay the said loan along with simple interest at the rate of 25% per annum and issued a cheque towards repayment of the said amount; that when the cheque was presented for encashment, the same has been returned for the reason 'funds insufficient'; and that In spite of the statutory notice, the petitioner did not pay the cheque amount.

3. The petitioner/Accused was convicted by the trial Court for the offence under Section 138 of the Negotiable Instruments Act and



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sentenced to undergo simple imprisonment for ten months and to pay Rs.10,00,000/- as compensation to the complainant and in default to undergo simple imprisonment for two months.

4. Challenging the above conviction and sentence, the petitioner/Accused preferred Crl.A.No.79 of 2023. The appellate Court, vide judgment dated 11.08.2025 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.2687 of 2025 and pending revision has sought for suspension of sentence, in this Criminal Miscellaneous Petition.

6. The learned counsel for the petitioner/accused submitted that the petitioner had raised substantial grounds in the revision, which require consideration; and that to show his *bona fides*, he is willing to deposit a sum equivalent to 50% of the cheque amount; and prayed for suspension



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of sentence.

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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 equivalent to 50% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner herein/Accused.

8. Accordingly, this Criminal Miscellaneous Petition is allowed and till the disposal of the Criminal Revision case, the sentence imposed upon the petitioner/Accused by the trial Court, is suspended and the petitioner is ordered to be released on bail on the following conditions :

(i) 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 Judicial



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Magistrate, Fast Tract Court [Magisterial Level],  
Alandur, ;

(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 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

(iv) The petitioner/accused is directed to deposit 50% of the cheque amount i.e., Rs.4,50,000/- [Rupees four lakhs fifty thousand Only), to the credit of C.C.No.27 of 2019 on the file of the learned Judicial Magistrate, Fast Tract Court [Magisterial Level], Alandur, within a period of four weeks from the date of receipt of a copy of this



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order;

(v) 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;

(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.**

**Upload the order copy forthwith.**

To

1. The Principal District and Sessions Judge,  
Chengalpet.
2. The Judicial Magistrate,  
Fast Track Court [Magisterial Level], Alandur.
3. The Superintendent  
Central Prison, Puzhal, Chennai.



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**SUNDER MOHAN, J.**

VRC

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