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CRL MP No. 24884 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**CRL MP No. 24884 of 2025
and CRL RC.No.2890 of 2025**

1. Vijay
2. Selvam @ Rajini Selvam
Vs.
...Petitioners

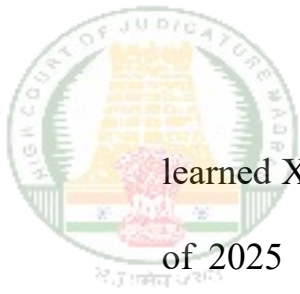
The State by:
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai – 600 118
...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 438 of BNSS, to suspend the execution of the sentence dated 14.11.2025 passed in C.A.No.72 of 2025 against the revision petitioners herein by the learned XV Additional Sessions Judge, Chennai, confirming the conviction and sentence judgment passed in CC.No.68 of 2015 dated 17.12.2024 by the learned X Metropolitan Magistrate, Egmore, Chennai and enlarge the petitioners on bail pending disposal of the above Crl.RC.

For Petitioner(s) : Mr.B.Ganesha Moorthy
For Respondent(s) : Mr.R.Vinothraj
Government Advocate (Crl. Side)
For Defacto Complainant : Mr.Durai Kannan

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence passed by the learned XV Metropolitan Magistrate, Egmore, Chennai in CC.No.68 of 2015 dated 17.12.2024 confirmed by the



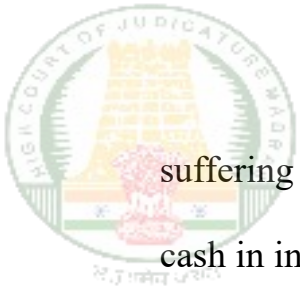
learned XV Additional Sessions Judge, City Civil Court, Chennai, in C.A.No.72 of 2025 dated 14.11.2025, pending disposal of the above criminal revision case.

2. The petitioners/Accused in C.A.No.72 of 2025 were convicted and sentenced by the learned XV Additional Sessions Judge, City Civil Court, Chennai, by judgment dated 14.11.2025 confirming the judgment of the learned Magistrate as follows:

under Section	Sentence imposed
406 IPC	To undergo SI for 1 year (each)
420 IPC	To undergo SI for 1 year and to pay a fine of Rs.3,000/- and in default to undergo 3 months SI (each)

3. Aggrieved by the same, the petitioners filed CrI.R.C.No.2890 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The case of the prosecution is that the petitioners and the defacto complainant were known to each other; that the petitioners had requested the defacto complainant to hand over 56 sovereigns of gold jewels and to lend a sum of Rs.5,00,000/- for treating the mother of the first petitioner, who was



suffering from serious ailments; that the petitioners received the said jewels and cash in installment on various dates and failed to return the same.

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5. The learned counsel for the petitioners would submit that the offences under Sections 406 and 420 r/w 34 IPC are not made out and that there is no evidence to show that the petitioners received jewels from the defacto complainant; that the petitioners have admitted the receipt of Rs.5,00,000/- and had handed over a cheque to the respondent, for which the petitioners were prosecuted under Section 138 of the Negotiable Instruments Act, 1881 for dishonour of the cheque; that the allegations disclose a dispute which is purely civil in nature; and that the impugned judgment is liable to be set aside.

6. Heard the learned Government Advocate (Crl. Side) for the respondent.

7. Mr.Durai Kannan, learned counsel seeks to represent the defacto complainant, though the defacto complainant is not a party to this revision.

8. From the judgments of the Courts below, it is seen that no evidence has been adduced by the defacto complainant to show that the petitioners had received 56 sovereigns of gold jewels. However, the petitioners



have admitted the receipt of Rs.5,00,000/- as loan. Considering the relationship between the parties, this Court is of the view that the points raised by the petitioner that there was no deception requires consideration. Further the petitioners have been prosecuted for the offence under Section 138 of the NI Act. Hence, this Court is of the view that prima facie case has been made out to suspend the sentence. Hence, this Court is inclined to grant the relief of suspension of sentence to the petitioners

9. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioners are suspended till the disposal of the above Criminal Revision Case and the petitioners are ordered to be released on bail on the following conditions:

- (i) The petitioners shall execute a bond each for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned X Metropolitan Magistrate, Egmore, Chennai;
- (ii) The petitioners 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; and
- (iii) The petitioners 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 case 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.

(i)

09-02-2026

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To

1. The XV Additional Sessions Judge, City Civil Court, Chennai.

2. The X Metropolitan Magistrate, Egmore, Chennai

3. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai – 600 118

4. The Public Prosecutor,
High Court of Madras, Madras.

SUNDER MOHAN J.

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