

K.Chandrasekar, Vs The State Rep by

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Court : Chennai

Decided On : Jul-30-2025

Judge : Honourable Mr Justice G.K. Ilanthiraiyan

Appeal No. : CRL MP/14701/2025

Appellant : K.Chandrasekar,

Respondent : The State Rep by

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2025

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN Crl.M.P.No.14701 of 2025 in Crl.R.C.No. 1256 of 2025 K.Chandrasekar Petitioner Vs 1.The State Rep. By the Public Prosecutor 2.K.Viswananth Kamath Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 438 & 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence passed in the judgment and order dated 29.11.2024 in Crl.Appeal

No.309 of 2023 on the file of the I Additional District and Sessions Judge, Coimbatore, for convicting the petitioner in the above appeal and confirming the Judgment dated 23.08.2023 passed in C.C.No.418 of 2017 on the file of the II Judicial Magistrate Fast Track Court No.II, Coimbatore. For Petitioner : Mr.R.Rajesh Vivekananthan

For R1 : Mr.A.Gopinath Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned I Additional District and Sessions Judge, Coimbatore in C.A.No.309 of 2023, dated 29.11.2024, confirming the Judgment dated 23.08.2023 passed in C.C.No.418 of 2017 by the learned Judicial Magistrate, Fast Track Court No.II (Magisterial Level), Coimbatore and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in C.C.No. 418 of 2017 on the

file of the learned Judicial Magistrate, Fast Track Court No.II (Magisterial Level), Coimbatore. 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 three months and awarded to pay the cheque amount of Rs.3,00,000/- to the complainant within a period of one month and in default of payment of compensation, the petitioner shall undergo simple imprisonment for a period of one month as default sentence. Aggrieved by the same, the petitioner had filed an appeal in C.A No.309 of 2023 and the learned I Additional District and Sessions Judge, Coimbatore, by order dated 29.11.2024, 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

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 for the petitioner and the learned Govt. Advocate (Crl.Side) for the 1st respondent and perused the materials placed on record.

5. Considering the submissions of the learned counsel for the

petitioner, 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 is granted on the following conditions:

(i) the petitioner shall deposit the entire cheque amount,

i.e. Rs.3,00,000/- (Rupees Three Lakhs only), after deducting the amount which was already deposited by the petitioner, if any, to the credit of C.C.No.418 of 2017 on the file of learned Judicial Magistrate, Fast Track Court No.II (Magisterial Level), Coimbatore, within a period of four weeks from today. Failing which, the order passed by this Court shall stand automatically cancelled.

(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) 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 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;

6. With the above directions, this Criminal Miscellaneous Petition is ordered.
30.07.2025 (2/3) Index : Yes/No Neutral citation : Yes/No

Speaking/non-speaking order

Lpp

G.K.ILANTHIRAIYAN, J.

Lpp To

1. The I Additional District and Sessions Judge, Coimbatore.

2. The Judicial Magistrate, Fast Track Court No.II (Magisterial Level), Coimbatore.
Crl.M.P.No.14701 of 2025 in 30.07.2025 (2/3)

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