



Crl.M.P.No.785 of 2026
in Crl.R.C.No.128 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2026

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.No.785 of 2026

in

Crl.R.C.No.128 of 2026

M.Stephen

...Petitioner

-VS-

1.State Represented by Station House Officer,
Ariyankuppam Police Station,
6th Cross East Coast Road,
Netaji Nagar, Cuddalore Road,
Ariyankuppam,
Puducherry – 605 007.

2.Pitchemany

...Respondents

PRAYER: Criminal Miscellaneous Petition filed under Sections 438(1) of BNSS Act, praying to suspend the sentence imposed in the order dated 07.10.2025 made in C.A.No.72 of 2023 on the file of the learned Principal Sessions Judge, Puducherry, confirming the judgment and sentence dated 12.10.2023 made in S.T.C.No.123 of 2018 on the file of the learned Judicial Magistrate No.II, Puducherry, and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.

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For Petitioner : Mr.A.V.Arun
For R1 : Mr.M.V.Ramachandra Murthy,
Public Prosecutor, Puducherry

ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned Principal Sessions Judge, Puducherry, in C.A.No.72 of 2023 dated 07.10.2025, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo six months Simple Imprisonment and to pay a compensation of Rs.8,20,000/- along with interest at the rate of 9% per annum, in default, to undergo further Simple Imprisonment for two months. The instant petition has been filed to suspend the sentence imposed on the petitioner.

2. It is the case of the 2nd respondent that the petitioner had issued a cheque for a sum of Rs.8,20,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'Funds Insufficient'; that in spite of the statutory notice, the petitioner did



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not make the payment; and hence liable for the said offence.

3. The learned counsel for the petitioner would submit that the petitioner has raised substantial grounds in the above revision; that the petitioner has rebutted the statutory presumption; that the judgment of the Courts below are liable to be set aside; and that, to show his bona fides, the petitioner is willing to deposit 20% of the cheque amount.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the first respondent, and perused the materials available on record.

5. Having regard to the submission made by the learned counsel for the petitioner that there are substantial grounds raised in the above revision which require consideration, and the fact that the petitioner is willing to deposit 20% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner, subject to the following conditions:

(i) The petitioner/Accused shall deposit 20% of the cheque amount to the credit of S.T.C.No.123 of 2018 on the file



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of the learned Judicial Magistrate No.II, Puducherry, 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 Case;

(iii) Thereafter, the sentence of imprisonment alone imposed on the petitioner/Accused shall be suspended, 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 Magistrate No.II, Puducherry;

(iv) 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;

(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



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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, it is open to the Trial Court to commit the petitioner/accused into custody for undergoing the sentence.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

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cda

To

1.The Principal Sessions Judge, Puducherry.

2.The Judicial Magistrate No.II, Puducherry.



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SUNDER MOHAN, J.

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