



Crl.M.P.Nos.1339 & 1341 of 2025
in Crl.R.C.No.173 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.1339 & 1341 of 2025

in

Crl.R.C.No.173 of 2025

MAYAVAN

S/o. Vengatachalam, Mariyamman Koil Street,
Kanagannandal Village, Keezhathazhanur Post,
Thirukoilur Taluk, Kallakurichi District.

Petitioner(s)

Vs

V.Ramalingam

S/o. Venugopal, No.96/a Mela Street, Thirukoilur
Taluk, Kallakurichi District.

Respondent(s)

For Appellant(s):

Mr.C.Prabakaran

ORDER

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner by a judgment dated 09.09.2024 made in Crl.A.No.1 of 2024 on the file of learned Principal District and Sessions Judge, Kallakurichi in confirming the judgment dated



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31.07.2023 made in C.C.No.489 of 2016, on the file of the learned Judicial Magistrate, Thirukoilur and enlarge the petitioner on bail pending disposal of the above revision and to exempt the petitioner from surrendering before the trial court, pending disposal of the above revision.

2.The case of the respondent is that towards discharge of the liability, the petitioner had issued a cheque for Rs.10,00,000/-; that when the cheque was presented for collection it was dishonoured for the reason “Funds insufficient” and that inspite of statutory notice, petitioner did not make any payment.

3.The petitioner/accused in C.C.No.489 of 2016 was convicted by the Trial Court by the judgment dated 31.07.2023 for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo ten months simple imprisonment and directed him to pay a compensation of Rs.18,40,000/-. Aggrieved by the same, the petitioner/accused preferred an



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appeal in Crl.A.No.01 of 2024 before the learned Principal District and Sessions Judge, Kallakurichi. The learned Sessions Judge, by the judgment dated 09.09.2024, dismissed the appeal confirming the conviction and sentence passed by the trial Court, against which, he filed Crl.R.C.No.173 of 2025 before this Court along with the instant miscellaneous petitions seeking suspension of sentence, exemption from surrender and bail.

4.The learned counsel for the petitioner would submit that the Courts below had not considered the case of the defence, which has been established through the examination of DW1 and Exs.D1 to D6; that there are several arguable points in the above revision, which requires consideration. He would further submit that the petitioner had already deposited 20% of the cheque amount pending the appeal and that to show his bonafides, the petitioner is willing to deposit a sum equivalent to 30% of the cheque amount and prayed for granting suspension of sentence to the petitioner.



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5. Heard the learned counsel for the petitioner and perused the records.

6. Considering the fact that the petitioner has raised substantial grounds in the above revision, which requires consideration and the submission made by the petitioner that he has already deposited 20% of the cheque amount and he is willing to deposit 30% of the cheque amount of Rs.3,00,000/-, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the trial court, on the following conditions, till the disposal of the above Criminal Revision:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit 30% of the cheque amount, i.e. Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of C.C.No.489 of 2016 on the file of learned Judicial Magistrate, Thirukoilur, within a period of four weeks from the date of receipt of a copy of this order and shall also file a proof of the fact that he has



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already deposited 20% of the cheque amount before the trial Court;

(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 trial court;

(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;



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(v) The petitioner shall appear before the Trial Court on the first working day of a 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 that 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;

(vi) 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.

7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

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To

- 1.The Principal District and Sessions Judge,
Kallakurichi.
- 2.The Judicial Magistrate,
Thirukoilur.
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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