



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 19-11-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CRL MP No. 21806 of 2025**

**IN**

**CRL RC NO. 2427 OF 2025**

K.S.Ramasamy  
S/o.Subbanagounder,  
Muthuraj Illam, Karattadipalayam,  
Gobichettipalayam, Erode-638 452.

Petitioner(s)

Vs

K.Raju  
S/o.Karuppanan,  
66/1, Jawagar Street, Nagarpalayam  
Main Road, Gobichettipalayam, Erode-  
638 452.

Respondent(s)

**CRL MP No. 17860 of 2025**

**PRAYER**

To suspend the sentence imposed in judgment made in C.A.No.351/2023 dated 20.06.2024 passed by the learned III Addl. District and Sessions Judge, Gobichettipalayam confirming the judgment made in STC No.688/2019 dated 04.09.2023, on the file of the Learned Judicial Magistrate No.I, Gobichettipalayam and enlarge him on bail.



For Petitioner(s): Mr. J.Ranjithkumar

For Respondent(s): Mr. M.Manikanda Prabhu

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### **ORDER**

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned III Addl. District and Sessions Judge, Gobichettipalayam in C.A.No.351 of 2023, dated 20.06.2023, confirming the Judgment dated 04.09.2023 passed in S.T.C.No.688 of 2019 by the learned Judicial Magistrate No.1, Gobichettipalayam and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in S.T.C No. 688 of 2019 on the file of the learned Judicial Magistrate No.1, Gobichettipalayan. 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 one year and awarded to pay the compensation of Rs.6,00,000/-. Aggrieved by the same, the petitioner had filed an appeal in CrI.A No.351 of 2023 before the learned III Addl. District and Sessions Judge, Gobichettipalayam, by an order dated 20.06.2024, 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 raised the following grounds for consideration :-

- (a) The courts below had failed to note that absolutely there is no evidence on record to prove the transaction between the parties. The initial burden of proof is always on the complainant, which he failed to discharge to the satisfaction of court.
- (b) The petitioner/accused had clearly elucidated in his cross examination about the wherewithal of the complainant and also had brought out the contradictions about the lending of money.
- (c) The courts below also failed to note that the burden casted in Sec.138 of N.I. Act is not as that heavy as that is casted on the prosecution in respect of other penal offences. But, in the present case, no documents were marked, without making of cheque return memo and legal notice no case will be made as against the petitioner.
- (d) The courts below failed to note that date in the Ex.P1 cheque was altered from 2010 to 2019 which is fatal to the case of the complainant. The same was admitted by D.W.1 Bank Manager that alteration in No.9.
- (e) The courts below failed to note that respondent's bank account was closed due to insufficiency of funds in his account and the same was admitted by P.W.1. The source of income was not proved by PW.1.



(f) The courts below failed to note that payments made both prior and after the alleged transaction by the petitioner.

(g) The petitioner submits that he has admitted the about when he was overwhelmed by the court proceedings despite having dispute on the amount payable to the respondent. The petitioner has material evidences with regard to the actual loan amount.

By submitting the aforesaid grounds, he would also 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 appearing for the petitioner and also 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 are granted on the following conditions:

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(i) the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees three lakhs only) to the credit of S.T.C.No.688 of 2019 on the file of learned **Judicial Magistrate No.I, Gobichettipalayam**, 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 defacto complainant is permitted to withdraw the same on filing undertaking affidavit.

(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



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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;

**(vii) If any deviation in complying conditions, the suspension of sentence ordered by this court shall stand cancelled;**

6. With the above directions, this Criminal Miscellaneous Petition is ordered.

**19-11-2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. III Addl. District and Sessions Judge, Gobichettipalayam.

2. Judicial Magistrate No.I, Gobichettipalayam.



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**T.V.THAMILSELVI J.**

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(3/3)**