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Crl.M.P.Nos.246 & 247 of 2025
in Crl.R.C.No.42 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09-01-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.246 & 247 of 2025

in

Crl.R.C.No.42 of 2025

R.Suresh Kumar
S/o. Rayappan, D.No.Pa.16/5, (dssc Quarters),
Barracks Post, Wellington, Coonoor Taluk,
Coonoor 643 102, The Nilgiris.

Petitioner (s)

Vs

F.Suresh Xavier Thomas
S/o. Late Francis, D.No.103 C3, Ariyamala
Compound, Coonoor Taluk, The Nilgiris. and
another

Respondent(s)

For Petitioner (s):

Mr.P.K.Rajangam

ORDER

These Criminal Miscellaneous Petitions have been filed seeking to
suspend the sentence imposed on the petitioner by the judgment dated
23.09.2024 in Crl.A.No.37 of 2024 on the file of Sessions Division of the



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Nilgiris District at Udhagamandalam confirming the order dated 28.03.2024

in S.T.C.No.28 of 2023 on the file of learned Judicial Magistrate, Fast Track Court Magistrate Level at Coonoor and convicting the petitioner to undergo for simple imprisonment of six months and to exempt the petitioner from surrendering before the trial court, pending disposal of the above revision.

2.It is the case of the respondent that towards discharge of the liability, the petitioner had issued a cheque for Rs.1,50,000/-; that when the cheque was presented for collection it was returned for the reason “Funds insufficient” and that inspite of statutory notice, petitioner did not make any payment.

3.The petitioner/accused in S.T.C.No.28 of 2023 was convicted by the Trial Court by judgment dated 28.03.2024 for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and directed him to pay the cheque amount of



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Rs.1,50,000/-. Aggrieved by the same, the petitioner/accused preferred an appeal in Crl.A.No.37 of 2024 before the learned Sessions Judge, Udhagamandalam. The learned Sessions Judge, by judgment dated 23.09.2024, dismissed the appeal confirming the conviction and sentence passed by the trial Court, against which, he filed Crl.R.C.No.42 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 petitioner has raised substantial grounds in the above revision, which requires consideration; and that to show his bonafides, the petitioner is willing to deposit 50% of the cheque amount and prayed for granting suspension of sentence to the petitioner.

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



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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 is willing to deposit 50% of the cheque amount, 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 50% of the cheque amount, i.e. Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of S.T.C.No.28 of 2023 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor, 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



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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;

(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



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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 Judicial Magistrate,
Fast Track Court at Magisterial Level,
Coonoor.
- 2.The Sessions Judge,
Udhagamandalam.
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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