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CRL MP Nos. 20711 & 20713 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP Nos. 20711 & 20713 of 2025

in

CRL RC No. 2268 of 2025

A.Perumal
S/o.Ammasi,
Door No.2/164, Reddiyur Colony,
Thermal Post, Kolnaickenpatty,
Mettur Taluk, Salem District - 636 406.

Petitioner(s)

Vs

R.Selvam
S/o.Ramasamy,
Door No.6/94B, Thookanampatti,
Mettur Taluk, Salem District - 636 452.

Respondent(s)

PRAYER in CRL MP No. 20711 of 2025: This Criminal Miscellaneous Petition is filed under Section 438 (1) of BNSS Act, 2023, seeking to suspend the sentence of the petitioner to undergo one year simple imprisonment and to pay a sum of Rs.15,00,000/- cheque amount within 30 days to the Respondent



and in default to undergo three months simple imprisonment imposed by the Judgment dated 01.03.2025 passed by the Learned Judicial Magistrate No.1, Mettur in CC.No.94 of 2023 which was confirmed by the Judgement dated 14.02.2025 passed by Hon'ble Additional District Judge (Fast Track Court), Mettur in Crl.A.No.74 of 2024 pending disposal of the above Criminal Revision Petition and thus render justice.

PRAYER in CRL MP No. 20713 of 2025: This Criminal Miscellaneous Petition is filed under Section 528 (1) of BNSS Act, 2023, seeking exemption the Petitioner from surrendering before the Court after the Judgment dated 14.02.2025 passed by the Learned Additional District Judge, (Fast Track Court), Mettur in C.A.No.74 of 2024 confirming the sentence of the petitioner to undergo one year Simple Imprisonment and to pay cheque amount of Rs.15,00,000 within 30 days in default to undergo three months Simple Imprisonment imposed by Judgment dated 01.03.2024 passed by the Learned Judicial Magistrate No.I, Mettur in C.C.No.94 of 2023 and thus render justice.

For Petitioner(s): Mr.L.Mouli

COMMON ORDER

The Criminal Miscellaneous Petition viz., CRL MP No.20711 of 2025 is filed, seeking to suspend the sentence of the petitioner to undergo one year simple imprisonment and to pay a sum of Rs.15,00,000/- cheque amount within 30 days to the Respondent and in default to undergo three months simple imprisonment imposed by the Judgment dated 01.03.2025 passed by the Learned Judicial Magistrate No.1, Mettur in CC.No.94 of 2023 which was



confirmed by the Judgement dated 14.02.2025 passed by Honble Additional District Judge (Fast Track Court), Mettur in Crl.A.No.74 of 2024 pending disposal of the above Criminal Revision Petition and thus render justice.

2. The Criminal Miscellaneous Petition viz., CRL MP No. 20713 of 2025 has been filed to exempt the Petitioner from surrendering before the Court after the Judgment dated 14.02.2025 passed by the Learned Additional District Judge, (Fast Track Court), Mettur in C.A.No.74 of 2024, confirming the sentence of the petitioner to undergo one year Simple Imprisonment and to pay cheque amount of Rs.15,00,000 within 30 days in default to undergo three months Simple Imprisonment imposed by Judgment dated 01.03.2024 passed by the Learned Judicial Magistrate No.I, Mettur in C.C.No.94 of 2023 and thus render justice.

3. The case of the prosecution is that the petitioner had borrowed hand loan for a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) from the respondent, by assuring that he will repay the said amount within three months.



However, the petitioner has not repaid the same, despite repeated demands made by the respondent. Further, in order to discharge the amount due to the respondent, the petitioner had issued a cheque for a sum of Rs.15,00,000/- drawn in Indian Overseas Bank, Leigh Bazzar, Salem, bearing No.124015 dated 07.03.2023. When the respondent presented the same for encashment on 07.03.2023 before the Indian Bank, Mettur Dam, the same was returned with an endorsement "Funds Insufficient" on 08.03.2023. Pursuant to which, the respondent has issued a statutory notice dated 11.03.2023 to the petitioner, to which, it has been stated that the petitioner made reply notice dated 27.03.2023, however, the said amount was not paid by the petitioner. Hence, the respondent has filed a complaint under Section 138 of Negotiable Instruments Act (in short NI Act) in C.C.No.94 of 2023 before the learned Judicial Magistrate No.I, Mettur.

4. On consideration of the said complaint, the learned Judicial Magistrate No.I, Mettur, convicted the petitioner for alleged offence under Section 138 of NI Act and sentenced the petitioner to undergo one year simple imprisonment



and directed the petitioner to pay cheque amount of Rs.15,00,000/- to the respondent in default to undergo three months simple imprisonment by judgement dated 01.03.2024. Aggrieved by the same, the petitioner has preferred the Criminal Appeal in Crl.A.No.74 of 2024 before the learned Additional District Judge (Fast Track Court), Mettur and the same was dismissed on 14.02.2025 by confirming the judgment dated 01.03.2024 passed by the Learned Judicial Magistrate No.1, Mettur in C.C.No.94 of 2023. Aggrieved by the same, the above revision has been filed along with these petitions seeking suspension of sentence and exempting the petitioner from surrendering before the Court concerned.

5. The learned counsel for the petitioner would submit that, no evidence was adduced on the side of the respondent before the trial Court. It is also submitted that without prejudice to its rights, the petitioner is ready and willing to deposit Rs.4,00,000/- to the credit of C.C.No.94 of 2023 before the Learned Judicial Magistrate No.1, Mettur. He further submitted that, there are lot of material contradictions in the evidence of the prosecution and the prosecution



evidence is also highly unbelievable and that apprehending arrest the present petition for suspension of sentence is filed and the petitioner is not in jail.

6. Having regard to the fact that there are arguable points involved in the revision petitions and further, the revision is not likely to be taken up for final hearing in the near future, I am of the considered opinion that the revision petitioner is entitled for the relief of suspension of sentence.

7. Considering the submissions made by the learned counsel on either side, the substantive sentence of imprisonment alone is suspended on the following conditions:

(a) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, in which one surety must be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Mettur.

(b) The petitioner is directed to deposit a sum of Rs.4,00,000/- to the credit of C.C.No.94 of 2023 before



of the Learned Judicial Magistrate No.1, Mettur, within a period of four weeks from the date of receipt of a copy of this order, failing which, the suspension of respective substantive sentence of imprisonment alone granted today, shall stand automatically vacated, without any further reference to this Court.

(c) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(d) The petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending revision, 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.

8. Accordingly, the Criminal Miscellaneous Petition in

Crl.M.P.No.20711 of 2025 is ordered.



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9. In view of the order passed in Crl.M.P.No.20711 of 2025, the petition for exemption to surrender in Crl.M.P.No.20713 of 2025 is closed.

06-11-2025

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Learned Judicial Magistrate No.1, Mettur.

2. The Public Prosecutor,

Madras High Court, Chennai.



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T.V.THAMILSELVI J.
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