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Crl.MP Nos.23158 & 23159 of 2025
in Crl.RC No.2638 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

**CRL MP Nos.23158 & 23159 of 2025
IN CRL RC NO.2638 of 2025**

P.Ponnusamy

Petitioner

Vs

S.Saravanan

Respondent(s)

For Petitioner (s): Mr.A.M.Senthilkumar

ORDER

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner dated 09.10.2025 in Crl.A No.46 of 2021 on the file of III Additional District and Sessions Judge, Dharapuram by confirming the judgment dated 20.07.2021 made in C.C.No.289 of 2013 on the file of Judicial Magistrate, Dharapuram and enlarge the petitioner on bail and to exempt the petitioner from surrendering before the trial court, pending disposal of the above revision.



Crl.MP Nos.23158 & 23159 of 2025
in Crl.RC No.2638 of 2025

WEB COPY

2. The case of the respondent is that towards discharge of her liability, the petitioner had issued three post dated cheques, totaling to a sum of Rs.4,00,000/- and when the said cheques were presented for collection, they were returned for the reason “payment stopped by the drawer” and inspite of statutory notice, the petitioner did not make any payment.

3. The learned counsel for the petitioner would submit that the petitioner has raised substantial grounds in the above revision; that the respondent has failed to establish his capacity to lend a sum of Rs.4,00,000/-; that to show his bonafides, the petitioner is willing to deposit 20% of the cheque amount and prayed for suspension of sentence and exemption from surrendering before the trial court.



Crl.MP Nos.23158 & 23159 of 2025
in Crl.RC No.2638 of 2025

WEB COPY

4. Heard the learned counsel for the petitioner as well as respondent and perused the records.

5. Considering the submissions made on either side and considering that the petitioner has raised substantial grounds in the above revision and that the petitioner is willing to deposit 20% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner and exempt the petitioner from surrendering before the trial court, subject to the following conditions, till the disposal of the above Criminal Revision :

(i) The petitioner/accused is directed to deposit 20% of the cheque amount i.e.,Rs.80,000/- [Rupees Eighty Thousand only], 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 her



Crl.MP Nos.23158 & 23159 of 2025
in Crl.RC No.2638 of 2025

executing a bond a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned **Judicial Magistrate, Dharapuram ;**

(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 she is not able to appear before the trial Court on any day, she 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 her 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, these Criminal Miscellaneous Petitions are ordered.

03.12.2025
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WEB COPY



Crl.MP Nos.23158 & 23159 of 2025
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SUNDER MOHAN, J.

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To

- 1.The III Additional District and Sessions Judge, Dharapuram
- 2.The Judicial Magistrate,
Dharapuram

CRL MP Nos.23158 & 23159 of 2025
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03.12.2025
(2/2)