



*Crl.M.P.No.23893 of 2025
in Crl.R.C.No.2725 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

**Crl.M.P.No.23893 of 2025
in
Crl.R.C.No.2725 of 2025**

S.D.Kannan

...Petitioner

-VS-

K.Rajasekar

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389 (1) r/w Section 439 of Cr.P.C, to suspend the sentence imposed in C.C.No.59 of 2019 dated 12.04.2023 passed by the learned Fast Track Court No.1 Judicial Magistrate, Coimbatore and which was confirmed in Crl.A.No.121 of 2023 dated 25.08.2025 passed by the learned V-Additional District and Session Judge at Coimbatore.

For Petitioner : Mr.R.Surya Prakash

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence passed by the learned V-Additional District and



*Crl.M.P.No.23893 of 2025
in Crl.R.C.No.2725 of 2025*

Session Judge at Coimbatore, in Crl.A.No. 121 of 2023 dated 25.08.2025, confirming the judgment of conviction and sentence passed by the learned Fast Track Court No.1, Judicial Magistrate, Coimbatore, in C.C.No.59 of 2019 dated 12.04.2023.

2. The case of the respondent is that the petitioner had issued cheque Rs.6,00,000/- towards discharge of the liability, and when the said cheque was presented for collection, it was returned for the reason “Funds Insufficient” and in spite of statutory notice, the petitioner did not pay the cheque amount.

3. The petitioner/Accused in C.C.No.59 of 2019 was convicted by the Trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for nine months with fine of Rs.12,00,000/-, in default, to undergo Simple Imprisonment for two months.

4. Challenging the above conviction and sentence, the petitioner/accused preferred an appeal in Crl.A.No.121 of 2023 before the



Crl.M.P.No.23893 of 2025
in Crl.R.C.No.2725 of 2025

learned V-Additional District and Sessions Judge, Coimbatore. The Appellate Court, vide judgment dated 25.08.2025, dismissed the appeal filed by the petitioner/accused and confirmed the conviction and sentence imposed by the Trial Court.

5. Aggrieved by the above judgment of the Appellate Court, the petitioner/accused has preferred this Revision. Pending revision, the petitioner has sought for suspension of sentence in this Criminal Miscellaneous Petition.

6. The learned counsel for the petitioner/accused submitted that the petitioner has raised substantial grounds in the revision, which requires consideration; and that to show his *bona fide*, he is willing to deposit the cheque amount after deducting the amount already deposited; and prayed for suspension of sentence. and prayed for suspension of sentence.

7. Heard the learned counsel for the petitioner and perused the materials available on record.



*Crl.M.P.No.23893 of 2025
in Crl.R.C.No.2725 of 2025*

WEB COPY

8. Considering the submissions made by the learned counsel for the petitioner that there are substantial grounds in the above revision which requires consideration, and the petitioner is willing to deposit the cheque amount after deducting the amount already deposited if any, this Court is inclined to suspend the sentence imposed on the petitioner by the Trial Court, subject to the following conditions, till the disposal of the above Criminal Revision Case:

(i) The petitioner/Accused shall deposit the entire cheque amount. If any amount has already been deposited, the petitioner shall deduct the same and deposit the balance cheque amount to the credit of C.C.No.29 of 2019 on the file of the learned Fast Track Court No.1, Judicial Magistrate, Coimbatore, 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 his



WEB COPY



*Crl.M.P.No.23893 of 2025
in Crl.R.C.No.2725 of 2025*

executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Fast Track Court No.1, Judicial Magistrate, Coimbatore;

(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 he is not able to appear before the Trial Court on any 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; 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.

9. Accordingly, this Criminal Miscellaneous Petition is ordered.

12.12.2025

mac



WEB COPY



*Crl.M.P.No.23893 of 2025
in Crl.R.C.No.2725 of 2025*

SUNDER MOHAN, J.

mac

To

- 1.The XVIII Additional City Civil Court,
Chennai.
- 2.The Fast Track Court No.1 Judicial Magistrate, Coimbatore,
- 3.The Public Prosecutor,
High Court, Madras.

**Crl.M.P.No.23893 of 2025
in
Crl.R.C.No.2725 of 2025**

12.12.2025