



Crl.M.P.Nos.23878 & 23879 of 2025
in Crl.R.C.No.2724 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.23878 & 23879 of 2025
in
Crl.R.C.No.2724 of 2025

Elangovan

...Petitioner

-VS-

Nagarajan

...Respondent

PRAYER in Crl.M.P.No.23878 of 2025: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, praying to suspend the sentence imposed on the petitioner in C.A.No.248 of 2024 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur, dated 03.09.2025 confirming the judgment of the learned Judicial Magistrate, Palladam, in S.T.C.No.78 of 2022 dated 09.08.2024 and enlarge the petitioner on bail pending disposal of the above criminal revision.

PRAYER in Crl.M.P.No.23879 of 2025: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt the petitioner from surrender in C.A.No.248 of 2024 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur, dated 03.09.2025 confirming

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the judgment of the learned Judicial Magistrate, Palladam, in S.T.C.No.78 of 2022 dated 09.08.2024.

For Petitioner : Mr.M.N.Balakrishnan

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner dated 03.09.2025 in C.A.No.248 of 2024 on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur, by confirming the judgment dated 09.08.2024 made in S.T.C.No.78 of 2022 on the file of the learned Judicial Magistrate, Palladam, and enlarge the petitioner on bail, and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the above revision.

2. The case of the prosecution is that the respondent had advanced a hand loan of a sum of Rs.3,00,000/- to the petitioner on 28.05.2019, with a promise to repay the same within one year at the rate of Rs.1/- interest per Rs.100/- per month. Thereafter, the petitioner paid a sum of Rs.90,000/-; and that towards discharge of the remaining liability, the petitioner issued a cheque for a sum of



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Rs.2,60,400/-. 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 make any payment.

3. The petitioner/Accused in S.T.C.No.78 of 2022 was convicted by the Trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for six months with compensation of a sum of Rs.2,60,400/-, in default, to undergo Simple Imprisonment for one month.

4. Challenging the above conviction and sentence, the petitioner/accused preferred an appeal in C.A.No.248 of 2024 before the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur. The Appellate Court, vide judgment dated 03.09.2025, dismissed the appeal filed by the petitioner/accused and confirmed the conviction and sentence imposed by the Trial Court. Aggrieved by the judgment of the Appellate Court, the petitioner/accused has preferred the Criminal Revision Case.



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5. The learned counsel for the petitioner would submit that the petitioner has rebutted the statutory presumption and the complainant has not established his financial capacity to lend a sum of Rs.3,00,000/-; and that he had already deposited 20% of the cheque amount of Rs.2,60,400/- to the credit of S.T.C.No.78 of 2022 before the Trial Court, during the pendency of the appeal; and that to show his *bona fides*, he is willing to deposit 60% of the cheque amount, after deducting the amount already deposited, and prayed for suspension of sentence and exemption from surrendering before the Trial Court.

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

7. Considering the fact that the petitioner has raised substantial grounds in the revision which requires consideration; and that he is willing to deposit 60% of the cheque amount, after deducting the amount already deposited, this Court is inclined to admit the revision and 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:



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(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit 60% of the cheque amount, i.e., Rs.1,56,240/- (Rupees One Lakh Fifty-Six Thousand Two Hundred and Forty Only), after deducting the amount already deposited, if any, to the credit of S.T.C.No.78 of 2022 on the file of the learned Judicial Magistrate, Palladam, 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 executing a bond 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



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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 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.

8. Accordingly, these Criminal Miscellaneous Petitions are ordered

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To

- 1.The Sessions Judge,
Special Court for Trial of Cases under SC/ST (POA) Act,
Tiruppur.
- 2.The Judicial Magistrate, Palladam.



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SUNDER MOHAN, J.

cda

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