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Crl.M.P.No.24343 of 2025
in Crl.R.C.No.2789 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.No.24343 of 2025
in
Crl.R.C.No.2789 of 2025

Moorthy

...Petitioner

-VS-

Saravanan

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 438(1) of BNSS Act, praying to suspend the execution of sentence imposed on the petitioner in Crl.A.No.59 of 2025 dated 17.11.2025 by the learned II Additional District and Sessions Judge, Tiruchengode, by confirming the judgment in STC.No.304 of 2018 dated 03.04.2025 passed by the learned Judicial Magistrate (Fast Track Court) at Tiruchengode, and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Petition.

For Petitioner : Ms.V.Gayathri



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ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned II Additional District and Sessions Judge, Tiruchengode, in Crl.A.No.59 of 2025 dated 17.11.2025, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo one year Simple Imprisonment and to pay compensation of Rs.5,00,000/-, in default, to undergo further Simple Imprisonment for one month. The instant petition has been filed to suspend the sentence imposed on the petitioner.

2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.5,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'Funds Insufficient'; that in spite of the statutory notice, the petitioner did not make the payment; and hence liable for the said offence.

3. The learned counsel for the petitioner would submit that the petitioner has raised substantial grounds in the above revision; that the



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petitioner has rebutted the statutory presumption; that the judgment of the Courts below are liable to be set aside; and that, to show his bona fides, the petitioner is willing to deposit 40% of the cheque amount.

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

5. Having regard to the submission made by the learned counsel for the petitioner that there are substantial grounds raised in the above revision which require consideration, and the fact that the petitioner is willing to deposit 40% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner, subject to the following conditions:

(i) The petitioner/Accused shall deposit 40% of the cheque amount to the credit of S.T.C.No.304 of 2018 on the file of the learned Judicial Magistrate (Fast Track Court), Tiruchengode, 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



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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 learned Judicial Magistrate (Fast Track Court), Tiruchengode;

(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



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(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, this Criminal Miscellaneous Petition is ordered.

17.12.2025
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cda

To

- 1.The II Additional District and Sessions Judge,
Tiruchengode.
- 2.The Judicial Magistrate (Fast Track Court),
Tiruchengode.



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SUNDER MOHAN, J.

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