



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl. M.P. No. 347 of 2026

in

Crl.R.C. No. 46 of 2026

Kailasanathan,
S/o. Senimalai Gounder,
Door No. 92/342, Gandhi Nagar,
Uthukuli Road,
Melapalayam Post,
Erode – 638 051.

..Petitioner

Vs.

Sundaram,
S/o. Ramasamy,
Door No. 71/2,
Periyandichi Amman Koil Street,
Solampalam, Pudhuroad,
Salem – 636 005.

..Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 430 of BNSS
to suspend the sentence imposed on the petitioner by judgment dated
20.09.2025 in Crl.A. No. 255 of 2024 by the learned I Additional District



and Sessions Judge, Salem, confirming the sentence imposed by judgment dated 24.07.2024 passed in S.T.C. No. 2604 of 2020 by the learned Judicial Magistrate No.V, Salem and enlarge the petitioner on bail, pending disposal of the above criminal revision petition.

For Petitioner :: Mr.G. Paramasivam

O R D E R

The petitioner has preferred the above revision challenging the judgment passed by the learned I Additional District and Sessions Judge, Salem, in CrI.A.No.255 of 2024 dated 20.09.2025, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing him to undergo simple imprisonment for 6 months and to pay compensation of Rs.34,35,000/- carrying a default sentence of simple imprisonment for a period of two weeks. 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 three cheques, namely, (i) cheque bearing No. 905550 dated 15.06.2019 for a sum of Rs.5,00,000/- (ii) cheque bearing No. 905551 dated 30.06.2019 for



a sum of Rs.10,00,000/- and (iii) cheque bearing No. 905552 dated 20.07.2019 for a sum of Rs.19,35,000/- towards discharge of liability; that when the said cheques were presented for collection, they were 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 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 a sum of Rs.8 lakhs.

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 a sum of Rs.8 lakhs, this Court is inclined to suspend the



sentence imposed on the petitioner and enlarge him on bail, subject to the following conditions:

(i) The petitioner/Accused shall deposit a sum of Rs.8 lakhs to the credit of S.T.C. No. 2604 of 2020 on the file of learned Judicial Magistrate No.V, Salem and on such deposit being made, the petitioner shall be released on bail forthwith;

(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 for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate No.V, Salem;

(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;



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(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

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

09.01.2026

Neutral Citation :yes/No
nv

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**(Note to Office: Issue order copy
today (09.01.2026))**

To

1. The I Additional District and Sessions Judge,
Salem.



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SUNDER MOHAN,J.

nv

2. The Judicial Magistrate No.V, Salem.
3. The Superintendent, Central Prison, Salem.
4. Sundaram,
S/o. Ramasamy,
Door No. 71/2,
Periyandichi Amman Koil Street,
Solampalam, Pudhuroad,
Salem – 636 005.

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