



Crl.M.P. Nos. 1396 & 1398 of 2026
in
Crl.R.C. No. 205 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P. Nos. 1396 & 1398 of 2026
in
Crl.R.C. No. 205 of 2026

M.Fasul Rahman
S/o.Mohamed Hason

..Petitioner

Vs.

A.Thiyagarajan
S/o.P.Athappan

..Respondent

Prayer in Crl.M.P.No.1396/2026:Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023 to suspend the sentence of imprisonment imposed in the Judgment dated 06.11.2025 in C.A.No.62 of 2021 on the file of the II Additional District & Sessions Judge, Erode, confirming the conviction imposed in the judgment dated 12.03.2021 in STC.No.782 of 2017 on the file of Fast Track Court II, Erode and enlarge the petitioner on bail pending disposal of the above revision petition.



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Prayer in Crl.M.P.No.1398/2026:Criminal Miscellaneous Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to grant an order of exemption from surrendering before the trial Court in pursuance to the judgment dated 06.11.2025 in C.A.No.62 of 2021 on the file of the II Additional District & Sessions Judge, Erode, confirming the conviction imposed in the judgment dated 12.03.2021 in STC.No.782 of 2017 on the file of Fast Track Court II, Erode and enlarge the petitioner on bail pending disposal of the above revision petition before this Hon'ble Court.

For Petitioner :: Mr.J.Ranjithkumar

O R D E R

The petitioner has preferred the above revision challenging the judgment dated 06.11.2025 passed by the learned II Additional District and Sessions Judge, Erode in Crl.A.No.62 of 2021 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 a period of six months and to pay a sum of Rs.1,00,000/- to the complainant as compensation, in default, to undergo



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three months simple imprisonment. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the above revision.

2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.1,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned stating '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 50% of the cheque amount.



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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 50% 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:

(i) The petitioner/Accused shall deposit 50% of the cheque amount to the credit of S.T.C. No. 782 of 2017 on the file of learned Fast Track Court No.II, Judicial Magistrate, Erode, 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



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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 him 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.II, Judicial Magistrate, Erode ;

(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,



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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.

Tsg

30.01.2026
(2/2)

To

1. The II Additional District & Sessions Judge,
Erode.
2. The Fast Track Court No.II,
Judicial Magistrate,
Erode.



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SUNDER MOHAN,J.

Tsg

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