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CRL RC No. 144 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.883 of 2026 in CRL RC No. 144 of 2026

Boopathi
S/o. Murugan,
D.No.2/U.OA/1, Rajiv Nagar,
Setharaampalayam,
Tiruchengode Taluk,
Namakkal District.

..Petitioner(s)

Vs

Narander
S/o. Madheswaran,
D.No6/15, Unjanai,
Tiruchengode Taluk,
Namakkal District.

..Respondent(s)

Criminal Miscellaneous Petition filed under Section 438(1) r/w Section 528 of BNSS, seeking to suspend the conviction and sentence passed in judgement dated 20.11.2025 made in C.A.No.02 of 2024, on the file of the learned II Additional District and Sessions Judge, Tiruchengode, by confirming the judgment dated 08.12.2023 made in S.T.C.No.117 of 2020, on the file of the Judicial Magistrate (FTC), Tiruchengode, pending final disposal of the main Criminal Revision Petition.



For Petitioner(s):

Mr.S.Varanesh

ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned II Additional District and Sessions Judge, Tiruchengode, in C.A.No.02 of 2025 dated 20.11.2025, 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 ten months Simple Imprisonment and to pay a compensation of Rs.2,30,000/- within a period of one month from the date of the said order, 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.2,50,000/- 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 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.1 Lakh to the credit of S.T.C.No.117 of 2020.

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.1 Lakh to the credit of S.T.C.No.117 of 2020, this Court is inclined to suspend the sentence imposed on the petitioner, subject to the following conditions:

- (i) The petitioner/Accused shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of S.T.C.No.117 of 2020 on the file of the learned Judicial Magistrate (FTC), 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 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 (FTC), 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

(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.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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SUNDER MOHAN, J.

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