



Crl.M.P. Nos. 1557 & 1558 of 2026
in
Crl.R.C. No. 225 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P. Nos. 1557 & 1558 of 2026

in

Crl.R.C. No. 225 of 2026

Kannabiran

..Petitioner

Vs.

Ramachandran

..Respondent

PRAYER in Crl.M.P.No.1557 of 2026: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, praying to suspend the sentence of imprisonment imposed on the petitioner by judgment dated 07.09.2022 in Crl.A. No. 15 of 2021 by the learned Principal District and Sessions Judge, Perambalur confirming the judgment dated 15.09.2021 passed in S.T.C. No. 1307 of 2019 by the learned Judicial Magistrate No.1, Perambalur and enlarge the petitioner on bail pending disposal of the criminal revision petition.

PRAYER in Crl.M.P.No.1558 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to grant an order of exemption to



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the petitioner from surrendering before the Trial Court pursuant to the judgment dated 07.09.2022 passed in Crl.A. NO. 15 of 2021 by the learned Principal District and Sessions Judge, Perambalur confirming the judgment dated 15.09.2021 passed in S.T.C. No. 1307 of 2019 by the learned Judicial Magistrate No.1, Perambalur, pending disposal of the criminal revision petition.

For Petitioner : Mr.T. Deeraj for
M/s. PV Law Associates
For Respondent : Mr.A. Adhi Chakravarathy

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 07.09.2022 passed by the learned Principal District and Sessions Judge in Crl.A. No. 15 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 6 months and to pay a fine of Rs.7,50,000/- carrying a default sentence of 2 months 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.



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2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.7,50,000/- 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 50% of the cheque amount.

4. Heard the learned counsel for the petitioner, the learned counsel for the respondent 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



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willing to deposit 50% of the cheque amount, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the Trial Court, pending disposal of the criminal revision petition, subject to the following conditions:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit 50% of the cheque amount to the credit of STC.No.1307 of 2019 on the file of Judicial Magistrate No.1, Perambalur, within a period of four weeks from the date of receipt of a copy of this order.

(ii) On such deposit being made, the respondent is permitted to withdraw the said amount provided he files an affidavit of undertaking before the Trial Court to refund the amount withdrawn, in case, the petitioner succeeds in the revision;

(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 Trial Court.



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(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 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.



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SUNDER MOHAN,J.

nv

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

05.02.2026

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Neutral Citation :Yes/No

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To

1. The Principal District and Session Judge,
Perambalur.
2. The Judicial Magistrate No.1, Perambalur.

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