



WEB COPY

CRL MP No. 6105 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP No. 6105 of 2026

IN

CRL RC NO. 771 OF 2026

G.Raghavan
S/o.Late.R.Ganesh,
No.3/117A Mariamman Koil Street,
Velan Nagar,
Tirupattur District - 635 301.

..Petitioner(s)

Vs

Rajendra Prabu
S/o.Ranganatha,
No.22, Pillayar Kovil Street,
Tirupattur District.

..Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of BNSS. to Suspend the sentence imposed on the petitioner by the learned District and Sessions Judge Tirupattur, Tirupattur District in Crl.A.No.79 of 2023 dated 02.12.2025 concurring the Judgment of the Judicial Magistrate No.1, Tirupathur in STC.No.576 of 2019 dated 16.03.2023, pending disposal of the Revision Case.

For Petitioner(s):

Mr.R.N.Amarnath



ORDER

The petitioner has preferred the above revision challenging the judgment dated 02.12.2025 passed by the learned District and Sessions Judge Tirupattur, Tirupattur District in Crl.A.No.79 of 2023, 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 six months S.I. and also to pay compensation of Rs.20,00,000/-, in default to undergo further S.I. for three months. The instant petition has been filed to suspend the sentence imposed on the petitioner 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.20,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'Payment stopped by drawer'; 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 their bona fides, the petitioner is willing



to deposit 50% 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 50% of the cheque amount, this Court is inclined to grant suspension of sentence before the Trial Court, 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.576 of 2019 on the file of the learned Judicial Magistrate No.I, Tirupathur, Vellore District on or before **19.05.2026**.

(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 him executing a bond a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the



Trial Court.

(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 they are not able to appear before the Trial Court on that day, they 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 their absence as directed by the Trial Court.

(vi) On the failure of the petitioners/accused, depositing the above said amount, it is open to the Trial Court to commit the petitioners/accused into custody for undergoing the sentence.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered. Call the matter on **20.05.2026**.

07-04-2026
(2/2)

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
DRL



To

1. The District and Sessions Judge,
Tirupattur, Tirupattur District.

2. The Judicial Magistrate No.I,
Tirupathur.



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C.KUMARAPPAN, J.

DRL

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