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CRL MP No.3485 of 2



CrI.R.C.No.1702 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No.3485 of 2026

in

CrI.R.C.No.1702 of 2025

M.Suresh Kumar,
Son of Munusamy,
Prop. of New Avinash Traders,
Door No.2/156, 2nd Street, Ambedkar Nagar,
Thuthipattu Village and Post, Ambur Taluk.

...Petitioner/Accused

Vs

V.Dayanidhi,
Son of R.Viswanathan,
D.No.4/66, Nadu Street,
Devalapuram Village and Post,
Ambur Taluk.

...Respondent/Complainant

Prayer : Criminal Miscellaneous Petition filed under Section 438 r/w 442 of BNSS, to suspend the execution of the sentence passed in C.A.No.98 of 2022 dated 07.03.2025 by the Learned District and Sessions Judge, Tirupattur, confirming the Judgment dated 18.07.2022 passed by the Learned Additional District Munsif-cum-Judicial Magistrate, Ambur, in S.T.C.No.249 of 2019, pending disposal of the above Criminal Revision Case No.1702/2025.

For Petitioner(s): M/S.L.Thiyagaiya

For Respondent(s): Mr.J.Muthukumaran

**ORDER**

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The petitioner has preferred the above revision challenging the Judgment dated 07.03.2025 passed by the learned District and Sessions Judge, Tirupattur, in Crl.A.No.98 of 2022 confirming the Judgment of the learned Additional District Munsif cum Judicial Magistrate, Ambur, in STC No.249 of 2019 dated 18.07.2022, convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing him to undergo Simple Imprisonment for six months and to pay compensation of Rs.3,00,000/- (Rupees Three Lakhs Only), in default, to undergo further Simple Imprisonment for two months. 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. 3,00,000/- (Rupees Three Lakhs Only) 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. M/S.L.Thiyagaiya, the learned counsel for the petitioner/accused, would submit that this Court had granted Suspension of Sentence by the order dated 17.09.2025, and since the petitioner could not comply with the conditional order, the order passed by this Court stood vacated; that the petitioner now apprehends arrest; and that the petitioner is now willing to deposit Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) to show his bona fides.

4. Mr.J.Muthukumaran, the learned counsel for the respondent/complainant, however, submits that the cheque was issued in the year 2019; and that the petitioner has not paid any money so far.

5. The learned counsel for the petitioner would submit that a sum of Rs.50,000/- (Rupees Fifty Thousand Only) was deposited to the credit of S.T.C.No.249 of 2019 pending the appeal.

6. Considering the request of the petitioner, since the learned counsel for the petitioner submitted that the matter is likely to be settled, and the fact that the petitioner is willing to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only), this Court is inclined to suspend the sentence imposed on the petitioner, subject to the following conditions:



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(i) The petitioner/accused shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) to the credit of S.T.C.No.249 of 2019 on the file of the learned Additional District Munsif cum Judicial Magistrate, Ambur, within a period of four weeks from the date of receipt of a copy of this order;

(ii) 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/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional District Munsif cum Judicial Magistrate, Ambur;

(iii) 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;

(iv) 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



(v) On such deposit, the respondent is permitted to withdraw the same along with the already deposited amount of Rs.50,000/- (Rupees Fifty Thousand Only) on his filing an affidavit before the learned Magistrate that he would return the said amount if the petitioner succeeds in the revision.

(vi) If the petitioner fails to deposit the amount, the Suspension of Sentence, shall stand vacated and the respondent shall be at liberty to execute the Judgment(s) impugned.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

26-02-2026
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To

1. The District and Sessions Judge,
Tirupattur.
2. The Additional District Munsif-cum-Judicial Magistrate,
Ambur.



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SUNDER MOHAN, J.

dk

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