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CRL MP No. 4346 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CRL MP No. 4346 of 2026

IN

CRL RC NO. 570 OF 2026

M.Sivakumar

Petitioner(s)

Vs

Nachimuthu @ Mani

Respondent(s)

PRAYER

To suspend the sentence imposed by the order dated 07.03.2022 passed in S.T.C.No.118/2019 passed by the Fast Track Court No.II at Magisterial Level Erode, which was confirmed by the order dated 11.12.2025 in Crl.A.No.34 of 2022 before the learned II Additional District & Sessions Judge, Erode and enlarge the petitioner on bail.

For Petitioner(s): E.P.Senniyangiri

ORDER

The petitioner has preferred the above revision challenging the judgment passed by the II Additional District and Sessions Judge, Erode, in Crl.A.No.34 of 2022 dated 11.12.2025, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentencing him to undergo six months' Simple Imprisonment and to pay a fine of Rs.1,00,000/-, in default, to undergo a further



period of one month Simple Imprisonment. The instant petition has been filed to suspend the sentence imposed on the petitioner 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. When the said cheque was presented for collection, it was returned with the endorsement “Funds Insufficient”. In spite of the statutory notice issued to the petitioner, he failed to make the payment and hence is 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 and has rebutted the statutory presumption and that the judgments of the Courts below are liable to be set aside. It is further submitted that, to show his bona fides, the petitioner is willing to deposit 50% of the cheque amount, in addition to the 10% already deposited by him, to the credit of S.T.C.No.118 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court-II, Erode.

4. I have given my anxious consideration to the submissions made by the learned counsel for the petitioner and also 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 considering the fact that the petitioner is willing to deposit 50% of the cheque amount, in addition to the 10% already deposited by him, this Court is inclined to grant suspension of sentence, subject to the following conditions:

(i) The petitioner is ordered to be enlarged on bail on condition that he shall deposit 50% of the cheque amount, in addition to the 10% already deposited by him, to the credit of S.T.C.No.118 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court-II, 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 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 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 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.

6. If the petitioner fails to deposit 50% of the cheque amount, in addition to the 10% already deposited by him, to the credit of S.T.C.No.118 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court-II, Erode, the order of suspension of sentence granted by this Court shall stand automatically vacated.

7. Accordingly, this Criminal Miscellaneous Petition is ordered.

06-03-2026

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To

1. Learned Judicial Magistrate Fast Track Court-II, Erode.
2. Learned II Additional District & Sessions Judge, Erode.
3. The Public Prosecutor, Madras High Court, Chennai.



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C.KUMARAPPAN J.
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