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Crl.M.P.Nos.3316 and 3314 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2026

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.3316 and 3314 of 2026

in

Crl.R.C.No.437 of 2026

Gunasekaran

...Petitioner in both cases

-VS-

A.Thamayanthi

...Respondent in both cases

Prayer in Crl.M.P.No.3314 of 2026: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, praying to suspend the sentence imposed on the petitioner / appellant in C.A.No.42 of 2024 dated 10.12.2024 passed by the learned District and Sessions Judge, Mayiladuthurai as confirming the judgment dated 21.09.2024 made in S.T.C.No.461 of 2021 passed by the learned Judicial Magistrate Court, Sirkali and enlarge the petitioner on bail pending disposal of the above criminal appeal.

Prayer in Crl.M.P.No.3316 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to grant exemption from surrender in C.A.No.42 of 2024 dated 10.12.2024 passed by the learned District and Sessions Judge, Mayiladuthurai as confirming the judgment dated 21.09.20224 made in S.T.C.No.461 of 2021 passed by the learned Judicial Magistrate Court, Sirkali.

In both cases:

For Petitioner : Mr.M.Vinoth



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COMMON ORDER

The petitioner has preferred the above revision challenging the judgment passed by the District and Sessions Judge, Mayiladuthurai, in CA.No.42 of 2024 dated 10.12.2025, 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 three months S.I. and to pay compensation of Rs.2,10,000/-, i.d. to undergo further S.I. for three months. 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.

2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.2,00,000/- 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 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 and exempt the petitioner from surrendering 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.461 of 2021 on the file of the learned Judicial Magistrate Court, Sirkali, 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 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. Accordingly, these Criminal Miscellaneous Petitions are ordered

25.02.2026
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Crl.M.P.Nos.3316 and 3314 of 2020

To

- 1.The Judicial Magistrate Court, Sirkali
- 2.The District and Sessions Judge, Mayiladuthurai



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Crl.M.P.Nos.3316 and 3314 of 2026

SUNDER MOHAN, J.

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in
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