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Crl.M.P.No.2983 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

**Crl.M.P.No.2983 of 2026
in Crl.RC.No.389 of 2026**

Alagarsamy
S/o.Sivan,
No. 83, Amba Nagar,
Nanthivaram,
Guduvancherry,
Chengalpet.

..Petitioner(s)

Vs

Mathiazhagan
S/o.Ramu,
No. 29/1, AV Nagar,
Melavalampettai,
Madhuranthagam,
Kanchipuram.

..Respondent(s)

To suspend the sentence imposed in the judgment passed in Crl.A.No.30 of 2022 dated 22.01.2026 on the file of the Additional District Judge, Chengalpet in confirming the order of conviction dated 16.06.2022 passed in C.C.No.485 of 2013 on the file of the Judicial Magistrate-1, Chengalpet and enlarge the petitioner on bail pending disposal of the Criminal Revision case.

For Petitioner(s): Mr.Thamil Selvan T



ORDER

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The petitioner has preferred the above revision challenging the judgment passed by the learned Additional District Judge, Chengalpet, in Crl.A.No.30 of 2022 dated 22.01.2026, 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 6 months S.I and to pay fine of Rs.5,00,000/- within one month towards compensation. 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 Rs.5,00,000/- 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 Rs.2 Lakhs towards the cheque amount to the credit of the C.C.No.485



of 2013 and prayed for suspension of sentence.

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 Rs.2 Lakhs towards the cheque amount, this Court is inclined to grant suspension of sentence, subject to the following conditions:

(i) The petitioner/accused shall deposit Rs.2 Lakhs towards the cheque amount to the credit of C.C.No.485 of 2013 on the file of the learned Judicial Magistrate-I, Chengalpet, 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



learned Judicial Magistrate-I, Chengalpet.

(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 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.

(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, the Criminal Miscellaneous Petition is ordered.

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SUNDER MOHAN, J.

ANU

To

1.The Additional District Judge, Chengalpet

2.The Judicial Magistrate-1, Chengalpet

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