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CRL MP No. 3350 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 3350 of 2026

in

CRL RC.No. 444 of 2026

M.Rathinam

..Petitioner(s)

Vs

Suresh
Managing Partner,
Bhairavi Finance,
65A, Palaniswami Street,
S.P.Pudur,
Namakkal Taluk and District.

..Respondent(s)

Prayer: This criminal miscellaneous petition is filed under Section 438(1) of BNSS to suspend the sentence imposed in judgement in Criminal Appeal C.A.No.28 of 2023 dated 06.10.2025 passed by the learned Special Court for Trial of Cases Registered under SC/ST (POA) Act, Namakkal confirming the Judgement on conviction in S.T.C.No.410 of 2021 dated 31.01.2023 passed by the learned Judicial Magistrate-1, Namakkal and enlarge the Petitioner on bail pending disposal of the above Criminal Revision.

For Petitioner(s): Mr.G.Mani Prabhu

ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned Special Court for trial of cases registered under SC/ST (POA) Act, Namakkal, in C.A.No.28 of 2023 dated 06.10.2025, 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 six months S.I. and to pay compensation of Rs.10,00,000/- to the respondent i.d. to undergo three months S.I. 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.10,00,000/- 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 40% 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 40% to



the credit of STC.No.410 of 2021, 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 40% of the cheque amount to the credit of STC.No.410 of 2021 on the file of the learned Fast Track Judicial Magistrate-1, Namakkal, 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 learned Fast Track Judicial Magistrate-1, Namakkal;

(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 her absence, as directed by the Trial Court; and

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

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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1. The Judicial Magistrate-1, Namakkal
2. The Special Court for Trial of Cases Registered under SC/ST (POA) Act,
Namakkal



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SUNDER MOHAN, J.

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