

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP Nos. 3167 and 3166 of 2026

IN

CRL RC NO. 416 OF 2026

Srinivasan
S/o.N.R.Krishnarao,
31/104, A.V.Iyyer Street,
Shevapet, Salem District.

..Petitioner(s) in both
Crl.MPs

Vs

Sivakumar
S/o.Kuppusamy,
17/77, Arthanaari Street,
Shevapet, Salem District.

..Respondent(s) in both
Crl.MPs

CRL MP No. 3167 of 2026

To exempt the petitioner to surrender for the conviction rendered in S.T.C.No.3002 of 2019 on the file of the Judicial Magistrate III, Salem in Judgement dated 24.06.2024 and confirmed by the judgment dated 07.01.2026 made in C.A.No.178 of 2024 on the file of II Additional and District Judge, Salem pending disposal of the above Revision Case.

CRL MP No. 3166 of 2026

To exempt the petitioner to surrender for the conviction rendered in STC.No.3002 of 2019 on the file of the learned Judicial Magistrate III, Salem in judgment dated 24.06.2024 and confirmed by the judgment dated 07.01.2026 made in C.A.No.178 of 2024 on the file of the learned II Additional and District Judge, Salem pending disposal of the above revision case.

For Petitioner(s): Mr.D.SELAVARAJU

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned II Additional and District Judge, Salem, in C.A.No.178 of 2024 dated 07.01.2026, 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.3,000/-, I/d. to undergo further 45 days S.I. 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 and the respondent had business transactions for the past twenty years; that the respondent was engaged by the petitioner for converting silver into articles; that the respondent had been doing this job work for twenty-two years, without receiving any payment; that the petitioner was due to return 800 Kgs of silver and failed to do so and make the payment; that pursuant to a negotiation the petitioner issued five cheques for a total sum of Rs.1,45,00,000/-; that the petitioner had paid Rs.25 Lakhs in cash; that when the remaining four cheques were presented for collection, it were returned from the bank with a memo stating 'payment

stopped'; that the cheque in the instant case amounting to Rs.45,00,000/-, is one such cheque which was returned; 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 subject cheque was obtained under coercion at the police station; that the petitioner had already deposited 20% of the cheque amount before the Appellate Court; that the complaint itself is not maintainable, as no complaint was filed after the cause of action first arose when the respondent issued a statutory notice and reply was sent following the dishonour of the cheque; that the complaint in this case filed after presenting the cheque for the second time, is not maintainable; and that, to show his bona fides, the petitioner is willing to deposit Rs.2.5 Lakhs towards the cheque amount to the credit of the STC.No.3002 of 2019 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.2.5 Lakhs towards 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/accused shall deposit Rs.2.5 Lakhs towards the cheque amount to the credit of S.T.C.No. 3002 of 2019 on the file of the learned Judicial Magistrate III, Salem, within a period of six 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 III, Salem.

(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, these Criminal Miscellaneous Petitions are ordered.

20-02-2026
(6/8)

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ANU

To

1. The Judicial Magistrate III, Salem
2. The II Additional and District Judge, Salem

SUNDER MOHAN, J.

ANU

CRL MP Nos. 3167 and 3166 of 2026
IN
CRL RC NO. 416 OF 2026

20-02-2026