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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP Nos. 3847 & 3850 of 2026

IN

CRL RC NO. 498 of 2026

K.R.Palkannan

..Petitioner(s) in both
Crl.MPs

Vs

Ramasamy

..Respondent(s) in both
Crl.MPs

CRL MP No. 3847 of 2026

To suspend the sentence of imprisonment imposed in the judgment dated 22.01.2026 made in C.A.No.38 of 2022 on the file of the II Additional District and Sessions Judge, Erode, confirming the conviction imposed in Judgment dated 08.03.2022 made in STC.No.555 of 2017 on the file of the Judicial Magistrate (FTC-II), Erode.

CRL MP No. 3850 of 2026

To exempt the petitioner from surrendering before the trial court in pursuance to the judgement dated 22.01.2026 made in C.A.No.38 of 2022 on the file of the II Additional District and Sessions Judge, Erode, confirming the conviction imposed in Judgment dated 08.03.2022 made in STC.No.555 of 2017 on the file of the Judicial Magistrate (FTC-II), Erode.

For Petitioner(s):

Mr.M.GURUPRASAD



COMMON ORDER

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The petitioner has preferred the above revision challenging the judgment passed by the learned II Additional District and Sessions Judge, Erode, in C.A.No.38 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 compensation of Rs.4,00,000/-, I/d. to undergo 1 month 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 had issued two cheques each for Rs.2,00,000/- towards discharge of liability; that when the said cheques were presented for collection, it were 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 the 50% of the cheque amount i.e Rs.2,00,000/- to the credit of the S.T.C.No.555 of 2017 and prayed for suspension of sentence.

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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/accused shall deposit Rs.2,00,000/- to the credit of S.T.C.No.555 of 2017 on the file of the learned Judicial Magistrate (FTC-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 a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate (FTC-II), Erode.

(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.

27-02-2026
(2/2)

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

1. The II Additional District and Sessions Judge, Erode

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2. The Judicial Magistrate (FTC-II), Erode



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SUNDER MOHAN, J.

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