



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP No. 7068 of 2026

IN

CRL RC NO. 900 OF 2026

C.P.Mouleeswaran
S/o.E.C.Periyasamy,
Proprietor, Balaji and Co,
37, Murugesan Nagar,
Kumalankuttai,
Erode - 638 009.

..Petitioner(s)

Vs

S.Santhosh
S/o.N.Sivanantham,
Partner, M/s.R.Muthusamy,
35/5, Kannaki Street,
Erode - 638 001.

..Respondent(s)

Prayer: Criminal Miscellaneous Petition is filed under Section 438 read with Section 442 of BNSS, 2023 to suspend the sentence imposed in Crl.A.No.72 of 2019 order dated 9.12.2025 on the file of the I Additional District Sessions Judge, Erode (confirming the conviction in STC.No.328 of 2017, order dated 05.02.2019 on the file of the Fast Track Court No.II), and enlarge the petitioner on bail pending disposal of the present Criminal Revision Petition.

For Petitioner(s):

M/s.V.Livin



ORDER

The petitioner has preferred the revision challenging the judgment dated 09.12.2025 passed in Crl.A. No. 72 of 2019 by the learned I Additional district and Sessions Judge, Erode, confirming the judgment of the Trial Court convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing him to undergo one year simple imprisonment and to pay a fine of Rs.5,000/-, in default to undergo a further period of three months simple imprisonment. The instant petition has been filed to suspend the sentence imposed on the petitioner, pending disposal of the revision.

2. It is the case of the respondent that the petitioner had issued two cheques, dated 30.01.2017 for Rs.1,00,000/- and 31.01.2017 of Rs.1,43,794/- 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 judgments of the Courts below are liable to be set aside; and that, to show his bona fides, the petitioner is willing to



deposit the sum equivalent to 50% of the cheque amount; and thus prays for suspension of the 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, pending disposal of the revision, subject to the following conditions:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner/Accused shall deposit 50% of the cheque amount, to the credit of STC No.328 of 2017 on the file of Fast Track Court No.II at Magisterial Level, Erode, within a period of two 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 disbursement 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/- (Rupees Ten



Thousand only) 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, she 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.

(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.

21-04-2026
(1/2)

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

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To
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- 1.The learned I Additional District and Sessions Judge, Erode.
- 2.The Fast Track Court No.II at Magisterial Level, Erode.



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C.KUMARAPPAN, J.

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