



WEB COPY

CRL MP No. 5095 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP No. 5095 of 2026

IN

CRL RC NO. 665 OF 2026

P.Manokaran
Authorised Signatory
Kailash Guest House Pondicherry,
No.43, Vysial Street, Pondicherry.

..Petitioner(s)

Vs

Shanmugam
S/o.Mani,
D.No.13, Kudai Company Street,
Muthialpet, Puducherry.

..Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS,, to suspend the sentence imposed on the petitioner dated 11.02.2026 in C.A.No.34/2025 on the file of Honble Principal Sessions Judge at Puducherry confirming the Judgment passed in STC.No.5191/2012 dated 30.04.2025 on the file of the Honble Judicial Magistrate Fast Track Court at Puducherry pending disposal of the above Criminal Revision and thus render justice.

For Petitioner(s):

M/s.V.M.Venkataramana

ORDER

The petitioner has preferred the above revision challenging the judgment dated 11.02.2026 passed by the learned Principal Sessions Judge at Puducherry in



C.A.No.34 of 2025, whereby, the judgment of the learned Judicial Magistrate Fast Track Court, Puducherry, dated 30.04.2025, was confirmed and the appeal was dismissed. The conviction and sentence imposed on the petitioner is as follows:-

Under Section 138 of the Negotiable Instruments Act and under section 255(2) of Cr.P.C., petitioner is sentenced to undergo simple imprisonment for one year and to pay compensation amount of Rs.4,00,000/-; and under section 357(3) of Cr.P.C., in default of payment of compensation, the accused is directed to under go simple imprisonment for one month.

2. The instant petition has been filed to suspend the sentence imposed on the petitioner.

3. It is the case of the respondent/complainant that the petitioner/accused had issued a cheque for a sum of Rs.4,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned stating 'insufficient funds'; that in spite of the statutory notice, the petitioner did not make the payment; and hence liable for the said offence.

4. 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 50% of the cheque amount.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. 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 suspend the sentence imposed on the petitioner, subject to the following conditions:

(i) The petitioner/Accused shall deposit 50% of the cheque amount to the credit of S.T.C. No. 5191 of 2012 on the file of Judicial Magistrate Fast Track Court, Puducherry 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 Judicial Magistrate Fast Track Court, Puducherry;



(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; 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.

7. Accordingly, this Criminal Miscellaneous Petition is ordered.

18-03-2026
(2/2)

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

MPA

To

1. The Principal Sessions Judge at Puducherry.
2. The Judicial Magistrate Fast Track Court at Puducherry.



WEB COPY

CRL MP No. 5095 of 2





WEB COPY

CRL MP No. 5095 of 2



C.KUMARAPPAN, J.

MPA

**CRL MP No. 5095 of 2026
IN
CRL RC NO. 665 OF 2026**

18-03-2026