



WEB COPY

CRL MP No. 4238 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP No. 4238 of 2026

IN

CRL RC NO. 560 OF 2026

Jaganathan

..Petitioner

Vs

M.C.Selvarhaaju

..Respondent

Prayer: This criminal revision petition is filed under Section 438 r/w. 442 of BNSS, to suspend the sentence imposed on the petitioner as per order passed by the learned II Additional District and Sessions Judge, Erode in Crl.A.No.423 of 2023 dated 05.11.2025 confirming the judgment passed by Judicial Magistrate, Fast Track Court No.II at Erode District made in S.T.C.No.535 of 2022 dated 27.10.2023 pending disposal of the above Criminal Revision Petition

For Petitioner:

Mr.S.Thangabalu

ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned II Additional District and Sessions Judge, Erode in Crl.A.No.423 of 2023 dated 05.11.2025, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced him to undergo three months simple imprisonment and to pay compensation of Rs.3,00,000/- and in default to undergo further period of one month simple imprisonment. The instant petition



has been filed to suspend the sentence imposed on the petitioner.

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2. It is the case of the prosecution that the petitioner had issued a cheque for a sum of Rs.3,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'Insufficient Funds'; 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% of the cheque amount to the credit of S.T.C.No.535 of 2022, 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 S.T.C.No.535 of 2022 on the file of the learned Judicial Magistrate, Fast Track Court No.II, Erode District on or before **07.04.2026**;

(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 like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court No.II, Erode District;

(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.

6. Accordingly, this Criminal Miscellaneous Petition is ordered. Call the matter on **08.04.2026**.

05-03-2026
2/2

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

NSL

To

1. II Additional District and Sessions Judge, Erode.
2. The Judicial Magistrate, Fast Track Court No.II, Erode District.



WEB COPY

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C.KUMARAPPAN, J.

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2/2**