



WEB COPY

CRL MP No. 6059 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP No. 6059 of 2026

IN

CRL RC NO. 777 OF 2026

S.K.Karthikeyan
S/o.S.Kumaran,
Kuruvikarambai Post,
Peravurani Taluk,
Thanjavur District.

..Petitioner(s)

Vs

R.Senthilkumar
S/o.V.K.Ramalingam,
No.105, Main Road,
Varanthiya Palayam,
Puthur,
Salai Puthur,
Erode District.

..Respondent(s)

CRL MP No. 6059 of 2026

PRAYER in Crl.M.P.No.5331 of 2026: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, to suspend the sentence dated 23.02.2026 passed in Crl.A.No.82 of 2021 by the learned I Additional Sessions Judge at Erode confirming the conviction and sentence passed in STC.No.552 of 2017 dated 28.04.2021, by the learned District Munsif cum Judicial Magistrate at Kodumudi and enlarge the petitioner on bail, pending disposal of the revision on the file of this Honble Court.

For Petitioner(s):

Mr.R.Bernatsha



ORDER

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The petitioner has preferred the above revision challenging the judgment dated 23.02.2026 passed by the learned I Additional Sessions Judge, Erode, in Crl.A.No.82 of 2021, 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 one year S.I. and also to pay compensation of Rs.8,25,000/-, in default to undergo further S.I. for three months. The instant petition has been filed to suspend the sentence imposed on the petitioner before the Trial Court, pending disposal of the above revision.

2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.8,25,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason ‘insufficient fund’; 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 their bona fides, the petitioner is willing



to deposit 50% 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 50% of the cheque amount, this Court is inclined to grant suspension of sentence before the Trial Court, subject to the following conditions:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit 50% of the cheque amount to the credit of STC.No.552 of 2017 on the file of the learned District Munsif cum Judicial Magistrate, Kodumudi on or before **19.05.2026**.

(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 him executing a bond a bond for a sum of Rs.10,000/- 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 they are not able to appear before the Trial Court on that day, they 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 their absence as directed by the Trial Court.

(vi) On the failure of the petitioners/accused, depositing the above said amount, it is open to the Trial Court to commit the petitioners/accused into custody for undergoing the sentence.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered. Call the matter on **20.05.2026**.

07-04-2026
(2/2)

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



To

1.The I Additional Sessions Judge,
Erode.

2.The District Munsif cum Judicial Magistrate,
Kodumudi.



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C.KUMARAPPAN, J.

DRL

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