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CRL MP No. 5149 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. 5149 of 2026

IN

CRL RC NO. 678 OF 2026

K.Thangavel
S/o. Kandasamy,
D.NO. 32/5, Arunthathiyar Colony,
Karattupalayam,
Tiruchengode Taluk,
Namakkal District.

..Petitioner(s)

Vs

Mayilsamy
S/o. Ramasamy,
D.no. 131/3, T.Salapalayam,
Kumaramangalam,
Tiruchengode Taluk,
Namakkal District.

..Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) & 483 of BNSS, to suspend the execution of sentence passed by the learned Judicial Magistrate Fast Track Court, Tiruchengodu in STC.N0. 158 of 2018 dated 30.01.2024 confirmed by II Additional District and Sessions Judge, Tiruchengpde on C.A.No. 201 of 2024 dated 01.12.2025 and enlarge the petitioner on bail pending disposal of the above CRL. RC.

For Petitioner(s):

T.Muthu Krishnan



ORDER

The petitioner has preferred the above revision challenging the judgment dated 01.12.2025 passed in CrI.A.No.201 of 2024 by the learned II Additional District and Sessions Judge, Tiruchengode, whereby the judgment dated 30.01.2024 passed by the learned Judicial Magistrate Court, Tiruchengodu in S.T.C.No.158 of 2018, was confirmed and the appeal was dismissed, thereby, convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo 2 months S.I under section 255(2) of Cr.P.C., and also directed to pay a compensation of Rs.2,00,000/- the amount due upon the cheque, to the complainant under section 357(3) of Cr.P.C., within a period of one month from today; in default to pay the aforesaid compensation amount, the accused is directed to undergo further simple imprisonment for one month for the offence under section 138 of N.I. Act. The instant petition has been filed to suspend the sentence imposed on the petitioner 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.2,00,000/- 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 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.

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 is ordered to be enlarged on bail, on condition that the petitioner shall deposit 50% of the cheque amount to the credit of **S.T.C.No.158 of 2018** on the file of the learned Judicial Magistrate (FTC), Tiruchengode, within a period of four weeks from the date of receipt of copy of the 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 Judicial Magistrate (FTC), Tiruchengode.

(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, 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.



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6. Accordingly, the Criminal Miscellaneous Petition is ordered.

18-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MPA

To

1. Judicial Magistrate Fast Track Court, Tiruchengodu.

2. II Additional District and Sessions Judge, Tiruchengpde



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C.KUMARAPPAN, J.

MPA

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