



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

**CRL MP No. 5267 of 2026
in CRL RC No. 693 OF 2026**

1. P.Mugunthan
S/o.Duraisamy,
Shri Ramajayam Industries,
Perundurai Road, Kunnathur,
Perundurai Taluk, Erode District.
2. Shri Ramajayam Industries,
Represented by its Managing Director,
P.Mugunthan,
S/o.Duraisamy,
Perundurai Road.

..Petitioners

Vs

P.Arjunan

..Respondent

Prayer: This criminal revision petition is filed under Section 438 r/w. 442 of BNSS, to suspend the sentence imposed on the petitioners by the order of the learned Judicial Magistrate Court, Kangayam in C.C.No.32/2016 dated 28.09.2021 and confirmed by the learned III Additional District Judge, Dharapuram in C.A.No.86/2021 dated 12.02.2026 and pleaded to enlarge the petitioners on bail till the disposal of the Criminal Revision.

For Petitioner:

Mr.N.Stalin



ORDER

The petitioners has preferred the above revision challenging the judgment passed by the learned III Additional District Judge, Dharapuram in C.A.No.86/2021 dated 12.02.2026, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced them to undergo two years simple imprisonment and to pay compensation of Rs.3,00,000/- and in default, the first accused to undergo further period of one month simple imprisonment. The instant petition has been filed to suspend the sentence imposed on the petitioners.

2. It is the case of the prosecution that the petitioners 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 petitioners did not make the payment and hence liable for the said offence.

3. The learned counsel for the petitioners would submit that the petitioners have raised substantial grounds in the above revision; that the petitioners have 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 petitioners are willing to deposit 50% of the cheque amount.



4. Heard the learned counsel for the petitioners and perused the materials available on record.

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5. Having regard to the submission made by the learned counsel for the petitioners that there are substantial grounds raised in the above revision which require consideration and the fact that the petitioners are willing to deposit 50% of the cheque amount to the credit of C.C.No.32 of 2016, this Court is inclined to suspend the sentence imposed on the petitioners, subject to the following conditions:

(i) The petitioners/Accused shall deposit 50% of the cheque amount to the credit of C.C.No.32 of 2016 on the file of the learned Judicial Magistrate Court, Kangayam within a period of six 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 petitioners/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 Court, Kangayam;



(iv) The petitioners 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 petitioners 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 they are not able to appear before the Trial Court on any 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; and

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

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

23-03-2026

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

NSL

To

1. The Judicial Magistrate Court, Kangayam.
2. The III Additional District Court, Dharapuram.



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C.KUMARAPPAN, J.

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