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Crl.M.P.Nos.5331 and 5332 of 2026
in Crl.R.C.No.700 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2026

CORAM

THE HONOURABLE MR JUSTICE C.KUMARAPPAN

Crl.M.P.Nos.5331 and 5332 of 2026
in
Crl.R.C.No.700 of 2026

Mohamed Yusuf

...Petitioner in both cases

-VS-

Venkatesan

...Respondent in both cases

PRAYER in Crl.M.P.No.5331 of 2026: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, to suspend the sentence imposed in Criminal Appeal No.6 of 2024 dated 17.02.2026 by the learned Principal District and Sessions Judge, Perambalur District by confirming the judgment dated 11.01.2024 in S.T.C.No.1437 of 2018 passed by the learned Judicial Magistrate No.I, Perambalur, and enlarge the petitioner on bail pending disposal of the above criminal revision.

PRAYER in Crl.M.P.No.5332 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt from the petitioner from surrendering in S.T.C.No.1437 of 2018 dated 11.01.2024 passed by the learned Judicial Magistrate No.I, Perambalur before suspension of sentence.

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For Petitioner : M/s.Om Sai Ram

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COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 17.02.2026 passed by the learned Principal District and Sessions Judge, Perambalur District, in Crl.A.No.6 of 2024, 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 two years S.I. and to pay compensation of Rs.6,20,000/-, in default to undergo further S.I. for two months. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt the petitioner from surrendering 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.6,50,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'Payment stopped by drawer'; that in spite of the statutory notice, the petitioner did not make the payment; and hence liable for the said offence.



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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 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 STC.No.1437 of 2018 on the file of the learned Judicial Magistrate Court No.I, Perambalur on or before **19.05.2026**.



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(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



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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**.

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C.KUMARAPPAN, J.

drl

To

- 1.The Principal District and Sessions Judge, Perambalur District.
2. The Judicial Magistrate No.I, Perambalur.

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