



WEB COPY



Crl.M.P.Nos.6698 and 6697 of 2026
in Crl.R.C.No.861 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2026

CORAM

THE HONOURABLE MR JUSTICE C.KUMARAPPAN

Crl.M.P.Nos.6698 and 6697 of 2026
in
Crl.R.C.No.861 of 2026

Sivakumar
S/o. Munirathinam

..... Petitioner in both cases

-VS-

Sivakumar
S/o.Thangavel
cases

...Respondent in both

PRAYER in Crl.M.P.No.6698 of 2026: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, to suspend the sentence imposed on the petitioner by a judgement dated 18.02.2026 made in Crl.A.No.13 of 2024 on the file of the District and Sessions Judge, Tirupattur confirming the judgement dated 22.05.2024 made in S.T.C.No.530 of 2019 on the file of the Judicial Magistrate, Vaniyambadi.

PRAYER in Crl.M.P.No.6697 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt from the petitioner to surrender before the Appellant Court on the judgement dated 18.02.2026 made in

1/6



Crl.M.P.Nos.6698 and 6697 of 2026
in Crl.R.C.No.861 of 2026

Crl.A.No.13 of 2024 on the file of the District and Sessions Judge, Tirupattur confirming the judgement dated 22.05.2024 made in S.T.C.No.530 of 2019 on the file of the Judicial Magistrate, Vaniyambadi.

For Petitioner : Mr.C.Prabakaran

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 18.2.2026 passed by the learned District and Sessions Judge, Tirupattur in C.A.No.13 of 2024, confirming the judgment of the learned Judicial Magistrate, Vaniyambadi made in S.T.C.No.530 of 2019 dated 22.05.2024 convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo Simple Imprisonment for a period of six months and directed to pay a sum of Rs.3,50,000/- as compensation within a period of one month. 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.3,50,000/- towards discharge of liability; that when the said



Crl.M.P.Nos.6698 and 6697 of 2026
in Crl.R.C.No.861 of 2026

cheque was presented for collection, it was dishonored through return memo stating reason as “ 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:



Crl.M.P.Nos.6698 and 6697 of 2026
in Crl.R.C.No.861 of 2026

(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.530 of 2019 on the file of the learned Judicial Magistrate, Vaniyambadi within a period of six 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 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;



Crl.M.P.Nos.6698 and 6697 of 2026
in Crl.R.C.No.861 of 2026

(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.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

16.04.2026
(2/2)

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Crl.M.P.Nos.6698 and 6697 of 2026
in Crl.R.C.No.861 of 2026
C.KUMARAPPAN, J.

sma

To

- 1.The District and Sessions Judge, Tirupattur.
2. The Judicial Magistrate, Vaniyambadi

Crl.M.P.Nos.6698 and 6697 of 2026
in
Crl.R.C.No.861 of 2026

16.04.2026
(2/2)