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Crl.M.P.Nos.5593 and 5594 of 2026
in Crl.R.C.No.733 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2026

CORAM

THE HONOURABLE MR JUSTICE C.KUMARAPPAN

Crl.M.P.Nos.5593 and 5594 of 2026
in
Crl.R.C.No.733 of 2026

K.Kunnimarathan

..... Petitioner in both cases

-VS-

K.Palanisamy

...Respondent in both cases

PRAYER in Crl.M.P.Nos.5593 of 2026: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, to suspend the sentence imposed upon the petitioner in the judgement dated 22.08.2025 made in C.A.No.219 of 2024 Additional District Sessions Court at Namakkal confirming the conviction dated 12.11.2024 in S.T.C.No.1939 of 2022 on the file of the learned Judicial Magistrate No.I, Namakkal.

PRAYER in Crl.M.P.No.3665 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 22.08.2025 made in C.A.No.362019 of 2024 on the file of the Hon'ble Additional District Sessions Court at Namakkal by confirming the order of conviction and sentence dated 1/6



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12.11.2024 made in S.T.C.No.1939 of 2024 on the file of the Judicial
Magistrate No.I, Namakkal.

For Petitioner : Mr.N.S.Siva Kumar

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 22.08.2025 passed by the learned Additional District Sessions Court at Namakkal in C.A.No.2019 of 2024, confirming the judgment of the learned Judicial Magistrate No.I, Namakkal convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo one year S.I. and to pay compensation of Rs.13,50,000/-, to undergo further Simple Imprisonment 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.13,50,000/- towards discharge of liability; that when the said cheque was presented for collection, it was dishonored through return memo



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stating reason as “ Exceeds Arrangement” ; 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:



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(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.1939 of 2022 on the file of the learned Judicial Magistrate No.I, Namakkal 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 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;



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(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.

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C.KUMARAPPAN, J.

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To

- 1.The Additional District Sessions Court at Namakkal
2. The Judicial Magistrate No.I, Namakkal.

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