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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

**CRL MP Nos. 6527 & 6529 of 2026 IN
CRL RC NO. 849 OF 2026**

S.Vengadesan

..Petitioner(s) in both
cases

Vs

R.Palanisamy

..Respondent(s) in both
cases

Prayer in Crl.M.P.No.6527 of 2026:- Criminal Miscellaneous Petition is filed under Section 528 of BNSS, pleaded to suspend the imprisonment imposed in dated 20.02.2026 made in C.A.No.403 of 2023 on the file of the Learned IV Additional District and Sessions Judge, Erode District, Bhavani and confirming the judgment and conviction dated 14.09.2023 made in S.T.C.No.184 of 2022 on the file of the learned Judicial Magistrate No.II, Bhavani.

Prayer in Crl.M.P.No.6529 of 2026:- Criminal Miscellaneous Petition is filed under Section 528 of BNSS, pleaded to exempt the petitioner to surrender before the appellate court on the Judgement dated 20.02.2026 made in CA.No.403 of 2023 on the file of the learned IV Additional District Judge and Sessions Judge, Erode District at Bhavani and confirming the judgment and conviction dated 14.09.2023 made in STC No.184 of 2022 on the file of the Judicial Magistrate No.II, Bhavani.

In both Cases:-

For Petitioner(s):

Mr.C.S.Saravanan



COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 20.02.2026 passed by the learned IV Additional District and Sessions Judge, Erode District, Bhavani, in C.A.No.403 of 2023, confirming the judgment of the learned Judicial Magistrate No.II, Bhavani, 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.10,00,000/-, in default, 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.10,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was dishonored 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.184 of 2022 on the file of the learned Judicial Magistrate No.II, Bhavani, 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



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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;

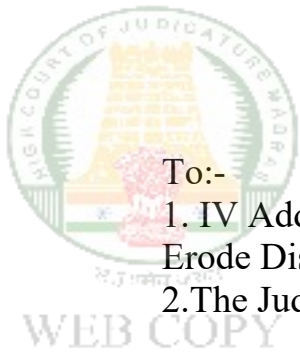
(v) The petitioner shall appear before the Trial Court on the first working day of a month at 10.30 a.m., until the disposal of the revision and if he is not able to appear before the Trial Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear 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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To:-

1. IV Additional District and Sessions Judge,
Erode District, Bhavani.
2. The Judicial Magistrate No.II, Bhavani.



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C.KUMARAPPAN, J.

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