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CRL MP No.7922 of 2026
in
CRL RC No. 999 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-04-2026

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL MP No.7922 of 2026

in

CRL RC No. 999 of 2026

M.Ganesan

Petitioner(s)

Vs

A.Dharmalingam

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed in Crl.A.No.357 of 2023 on the file of the IV Additional District and Sessions Judge, Bhavani, Erode dated 11.03.2026 by confirming the judgment made in S.T.C.No. 65 of 2019 on the file of the Judicial Magistrate No.II, Bhavani dated 29.09.2023 pending disposal of the above Criminal Revision Petition.

For Petitioner(s): Mr.S.Parthasarathi

ORDER

The petitioner has preferred the above revision, challenging the judgment passed by the IV Additional District & Sessions Judge in Crl.A.No.357 of 2023 confirming the judgement passed by the learned Judicial Magistrate No.II, Bhavani in S.T.C.No.65 of 2019, convicting the petitioner/accused for offence under Section 138 of Negotiable Instruments Act, and sentenced to undergo 1



year simple imprisonment and to pay the cheque amount i.e., Rs.15,00,000/-.

Along with the revision, the present petition has been filed to suspend the sentence imposed on the petitioner.

2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.15,00,000/- 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 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 i.e., of Rs.7,50,000/-.

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 i.e., of Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousand Only), this Court is inclined to suspend the sentence imposed on the petitioner, subject to the following conditions:

(i) The petitioner/Accused shall deposit 50% of the cheque amount i.e., of Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousand Only), to the credit of S.T.C.No. 65 of 2019 on the file of the Judicial Magistrate No.II, Bhavani, on or before 08.06.2026. Failing which, the order passed by this Court shall stand automatically cancelled.

(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 for a sum of Rs.25,000/- 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 every 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 any day, he shall make arrangements to file an application under Section 355 of BNSS, 2023, 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; and

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

6. With the above directions, this Criminal Miscellaneous Petition is ordered.

30-04-2026

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

To
1. IV Additional District and Sessions Judge, Bhavani, Erode.
2. The Judicial Magistrate No.II, Bhavani.
3. The Public Prosecutor,
Madras High Court, Chennai.



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