



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP Nos. 7291 and 7293 of 2026

in

CRL RC No. 927 of 2026

A.Chandran

..Petitioner

Vs

C.Murugesan

..Respondent

Prayer in Crl.MP.No.7291 of 2026: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS to suspend the sentence imposed on them in C.A.No.82 of 2022 on the file of the II Additional District and Sessions Judge at Erode dated 11.02.2026 confirming the judgment passed in STC No.140 of 2018 on the file of the Fast Track II Magistrate Level, at Erode dated 05.05.2022 and enlarge the petitioner on bail, pending disposal of the above revision.

Prayer in Crl.MP.No.7293 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS to exempt the petitioner from appearing in STC.No.140 of 2018 before the Fast Track II, Magistrate Level, at Erode dated 05.05.2022 and confirmed by the II Additional District & Sessions Judge at Erode in Crl.A.No.82 of 2022 at Erode dated 11.02.2026.

For Petitioner:

Mr.K.Balaji



COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 11.02.2026 passed by the learned II Additional District & Sessions Judge, Erode, confirming the judgment of the learned Judicial Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced them to undergo six months S.I. and to pay compensation of Rs.2,00,000/-. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt the petitioner from appearing 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.2,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'Exceeds Arrangements'; 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 submitted 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.140 of 2018 on the file of the Fast Track II Magistrate Level, at Erode, on or before **20.05.2026**.

(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



them 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 day in lieu of the date of their 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. Call the matter on **15.06.2026**.

22.04.2026

SHL



WEB COPY

CRL MP No. 7291 of 2



C.KUMARAPPAN J.

SHL

To:

1. The II Additional District and Sessions Judge and at Erode
2. The Fast Track II Magistrate Level, at Erode

CRL MP Nos. 7291 and 7293 of 2026
in
CRL RC No. 927 of 2026

22-04-2026