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CRL MP No. 7469 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-05-2026

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

**CRL MP No. 7469 of 2026 in
CRL RC NO. 942 OF 2026**

Samsudeen
S/o.Abdul Razaq,
No.4-B, A.K.Ramasamy Nagar,
3rd Street,
Sulur,
Coimbatore.

..Petitioner(s)

Vs

Muniyandi
S/o.Ganapathy Thevar,
23E, Kuppathevar Street,
A.K.Ramasamy Nagar,
Sulur,
Coimbatore.

..Respondent(s)

Prayer : This Criminal Miscellaneous Petition is filed under Sections 438 & 528 of the Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed on the petitioner in the judgment dated 20.06.2024 in CC.No.105/2019 on the file of the learned Judicial Magistrate, Sulur, Coimbatore confirmed in CrI.A.No.226/2024 dated 19.02.2026 by the learned IV Additional District and Sessions Judge, Coimbatore, pending disposal of the above Criminal Revision Petition



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For Petitioner(s) : Mr.I.Abdul Basith

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ORDER

The petitioner has preferred the above revision challenging the judgment dated 19.02.2026 passed by the learned IV Additional District and Sessions Judge, Coimbatore in C.A.No.226 of 2024, confirming the judgment of the learned Judicial Magistrate, Sulur, Coimbatore dated 20.06.2024 in C.C.No.105 of 2019 convicting the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act and sentencing him to undergo Simple Imprisonment for a period of one year and to pay a compensation of Rs.6,00,000/- (cheque amount) with 9% interest within two months and in default to undergo Simple Imprisonment for four months.

2. It is alleged that the petitioner had issued a cheque for a sum of Rs.6,00,000/- to the respondent towards his liability and when the same was presented for collection, it was returned with an endorsement of “Payment stopped by drawer”. In view of dishonour of the cheque, the respondent issued notice to the petitioner, however no payment was made by the petitioner despite receiving the statutory notice, for which the respondent filed a compliant



against the petitioner and the same was taken on file by the learned Magistrate and on completion of trial, the order was passed on 20.06.2024 imposing punishment and for payment of compensation and assailing the same, the petitioner filed an appeal which was ended in favour of the respondent confirming the order of the trial Court. Aggrieved over the same, the present revision has been preferred by the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner has raised substantial grounds for suspending the sentence imposed on him by the Court below in the above revision and also that the petitioner has rebutted the statutory presumption and therefore, the judgment of the Courts below are liable to be set aside. He further submitted that in order to show his bona fides, the petitioner has already deposited 20% of the cheque amount i.e. Rs.1,20,000/- as directed by the appellate court

4. Heard the learned counsel for the petitioner and perused the materials available on record.



5. Having regard to the submissions 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 has already deposited 20% of the cheque amount i.e. Rs.1,20,000/-, this Court is of the view that the sentence of imprisonment alone can be suspended and the petitioner can be granted bail on certain conditions. Accordingly, pending disposal of the revision, the sentence imposed on the petitioner alone is suspended and the petitioner is enlarged on bail, subject to the following conditions:-

“(i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sulur, Coimbatore.

(ii) 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;

(iii) 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 that day, he shall make arrangements to file an application under Section 317



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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.

6. Accordingly, these Criminal Miscellaneous Petition is ordered.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
kkd / ssd

To

1. The IV Additional District and Sessions Judge, Coimbatore.
2. The Judicial Magistrate, Sulur, Coimbatore.



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L.VICTORIA GOWRI, J.

kkd/ssd

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