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CRL MP No.7871 of 2026

in

CRL RC No. 986 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.7871 of 2026

in

CRL RC No. 986 of 2026

Murali

Petitioner(s)

Vs

Gopal

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C/438(1) of BNSS Act, 2023, to suspend the conviction and sentence awarded to the petitioner/appellant/appellant by the learned Judicial Magistrate, (Fast Track Court) Hosur, in STC No.28/2021 by judgment dated 06.05.2024 for the offence under section 138 of N.I.Act and the petitioner may be released on bail till the final disposal of her criminal revision pending before this Court.

For Petitioner(s): Mr.N.Kannan



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ORDER

The petitioner has preferred the above revision, challenging the judgment passed by the learned Additional District Judge, Hosur in Crl.A.No.65 of 2024 confirming the judgement passed by the learned Judicial Magistrate (Fast Track Court), Hosur in S.T.C.No.28 of 2021, convicting the petitioner/accused for offence under Section 138 of Negotiable Instruments Act, and sentenced to imprisonment for a period of 6 months simple imprisonment stands confirmed. Whereas, the compensation amount of Rs.6,00,000/- imposed on the accused shall stands set aside and to pay compensation of Rs.3,00,000/- to the complainant, in default to undergo 1 month simple imprisonment. The instant 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.3,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned 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 the entire cheque amount of Rs.3,00,000/-.

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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 the entire cheque amount of Rs.3,00,000/- (Rupees Three Lakhs Only), this Court is inclined to suspend the sentence imposed on the petitioner, subject to the following conditions:

(i) The petitioner/Accused shall deposit the entire cheque amount Rs.3,00,000/- (Rupees Three Lakhs Only), after deducting the amount which was already deposited by the petitioner, if any, to the credit of S.T.C.No.28 of 2021 on the file of the learned Judicial Magistrate (Fast Track Court), Hosur, on or before 29.05.2026. 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;

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(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;

(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.



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

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Jd

Neutral Citation:Yes/No

To

1. The Additional District Judge, Hosur.
2. The Judicial Magistrate, (Fast Track Court) Hosur.
3. The Pubic Prosecutor,
Madras High Court.



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G.K.ILANTHIRAIYAN J.
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