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CRL MP No. 8370 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-05-2026

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP No. 8370 of 2026

IN

CRL RC NO. 1035 OF 2026

H.Karthick S/o.Halan,
Head Master, Ithalar Village,
Ithalar Post, Niligris.

..Petitioner(s)

Vs

M.Senthilkumar S/o.K.P.Murugesan,
D.No.4/39, Anaigoundenpudur,
Vellotamparappu Post,
Erode.

..Respondent(s)

PRAYER: This Criminal Miscellaneous Petition has been filed under Section 438(1) read with 483 of B.N.S.S. to suspend the sentence of imprisonment imposed in the judgment dated 10.04.2026 made in C.A.No.147 of 2021 on the file of the I Additional District Judge Erode, confirming the conviction imposed in the judgment dated 15.11.2021 made in STC No.92 of 2011 on the file learned District Munsif cum Judicial Magistrate, Kodumudi and enlarge the petitioner on bail pending disposal of the above revision petition before this Hon'ble court.

For Petitioner(s): Mr. M.Guruprasad

For Respondent(s): Mr. A. Damodaran,
Additional Public Prosecutor.



ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence of imprisonment, imposed vide judgment dated 15.11.2021 made in STC No.92 of 2011 on the file of the learned District Munsif cum Judicial Magistrate, Kodumudi.

2. The conviction and sentence imposed against the petitioner/appellant, vide impugned judgment are as follows:-

<i>Under Sections</i>	<i>Sentence</i>
138 of N.I. Act	One year Simple imprisonment and to pay the cheque amount of Rs.3 lakhs.

3. The instant petition has been filed to suspend the sentence imposed on the petitioner pending disposal of the above revision.

4. The case of the prosecution is that the accused 1 and 2, borrowed a sum of Rs.3 lakhs from the complainant on 14.11.2010, for their urgent financial needs. In discharge of the said legally enforceable debts, the accused issued a cheque bearing No.011683 dated 16.12.2010 drawn on United Bank of India, Coonoor Branch in favour of the complainant. When the cheque was presented for collection on 22.12.2010, it was dishonoured and returned 'unpaid' on 24.12.2010 with an endorsement 'funds insufficient'. Therefore, the



complainant issued a legal notice dated 21.01.2011 to the accused calling upon to repay the cheque amount. Despite receipt of the said notice, the accused neither paid the amount nor issued any reply. Hence the case.

5. The submissions of the learned counsel appearing for the petitioner/appellant are as follows:-

5.1. The petitioner/appellant is an innocent and has been falsely implicated in this case.

5.2. There are arguable points available in the Criminal Appeal and the petitioner/appellant has a fair chance of succeeding in the appeal.

5.3. The 20% of the compensation amount has already been paid by the petitioner. Hence, the sentence imposed on the petitioner/appellant may be suspended.

6. The learned Additional Public Prosecutor appearing for the respondent would submit that the trial Court, after taking into consideration the oral and documentary evidence produced by the prosecution, rightly found the petitioner/appellant guilty and convicted and sentenced him, as stated above.



7. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

8. 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, 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 shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Kodumudi;

(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; and

(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 appeal 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 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.



9. Accordingly, this Criminal Miscellaneous Petition is ordered.

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

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The I Additional District Judge, Erode.
2. The District Munsif cum Judicial Magistrate, Kodumudi.
3. The Public Prosecutor, High Court of Madras.



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L.VICTORIA GOWRI, J.

MJS / VEDA

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