



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-05-2026

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP NoS. 8422 & 8423 of 2026

IN

CRL RC NO. 1040 OF 2026

B.Mohanraj
S/o.Balakrishnan,
No.2/3, VEDIYARASAMPALAYAM,
NATHAKKADU,
AGRAHARAM POST,
PALLIPALAYAM,
NAMAKKAL DISTRICT.

..Petitioner(s)

Vs

S.Suresh
S/o.Swamiappan,
No.102-A, Sennappanaickenpalayam,
CHINNAMPALAYAM POST,
ERODE DISTRICT.

..Respondent(s)

PRAYER in Crl.MP.No.8422 of 2026 in Crl.RC.No.1040 of 2026 : This Criminal Miscellaneous Petition is filed under Section 438(1) of BNSS to suspend the sentence of imprisonment imposed in the judgment dated 12.03.2026 in C.A.No.432 of 2023, on the file of the II Additional District and Sessions Judge, Erode confirming the conviction and sentence in STC NO.32 of 2022 dated 19.10.2023 on the file of the Judicial Magistrate, Fast Track Court-II, Erode and enlarge the petitioner on bail pending disposal of the above revision petition before this Honourable court.

PRAYER in Crl.MP.No.8423 of 2026 in Crl.RC.No.1040 of 2026 : This Criminal Miscellaneous Petition is filed under Section 528 of BNSS to grant an order of exemption from surrendering before the trial court in pursuance to the



judgment dated 12.03.2026 in C.A.No.432 of 2023 on the file of the II Additional District and Sessions Judge, Erode confirming the conviction and sentence in S.T.C.No.32 of 2022 dated 19.10.2023 on the file of the Judicial Magistrate, Fast Trac Court – II, Erode and pending disposal of the above revision petitione before this Honourable Court.

For Petitioner(s): J.Ranjithkumar
K.Vasanthanayagan

COMMON ORDER

The Criminal Miscellaneous Petition No.8422 of 2026 has been filed by the petitioner seeking to suspend the sentence of imprisonment imposed in the judgment dated 12.03.2026 in C.A.No.432 of 2023, on the file of the II Additional District and Sessions Judge, Erode confirming the conviction and sentence in STC NO.32 of 2022 dated 19.10.2023 on the file of the Judicial Magistrate, Fast Track Court-II, Erode and enlarge the petitioner on bail pending disposal of the above revision petition before this Court.

2. The Criminal Miscellaneous Petition No.8423 of 2026 has been filed by the petitioner seeking to grant an order of exemption from surrendering before the trial court in pursuance to the judgment dated 12.03.2026 in C.A.No.432 of 2023 on the file of the II Additional District and Sessions Judge, Erode confirming the conviction and sentence in S.T.C.No.32 of 2022 dated 19.10.2023 on the file of the Judicial Magistrate, Fast Trac Court – II, Erode and pending disposal of the above revision petitione before this Honourable Court.



3. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 19.10.2023 for the offence under Section 138 of the Negotiable Instruments Act, 1881, and the trial Court sentenced him to undergo simple imprisonment for three months and to pay the fine amount of Rs.7,00,000/- (Rupees seven lakhs only), in default, to undergo simple imprisonment for a period of one months, in STC. No.32 of 2022 on the file of the learned Judicial Magistrate, Fast Track Court-II, Erode.

4. The learned II Additional District and Sessions Judge, Erode confirmed the conviction and sentence, and dismissed CA No.432 of 2023 dated 12.03.2026. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.

5. The learned counsel for the petitioner submitted that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses.

6. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.



7. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case, and also there are certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further, the criminal revision is not likely to be taken up for final hearing in the near future and as such, and also considering the bonafide expressed by the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

8. Accordingly, till the disposal of present Criminal Revision Petition, the relief of suspension of sentence is granted to the Petitioner/Accused, subject to the following conditions:

(i) The Petitioner/Accused shall deposit Rs.2,00,000/- (Rupees two Lakh only) to the credit of to the credit of STC.No.32 of 2022 on the file of the learned Judicial Magistrate, Fast Track Court – II, Erode, on or before 25.06.2026;

(ii) On such deposit being made, the Trial Court shall re-deposit 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 Petition;



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(iii) If the Petitioner/Accused fails to deposit the aforesaid amount, it is open to the Trial Court to commit the Petitioner/Accused into custody for undergoing the sentence;

(iv) The Petitioner/Accused shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned VIII Metropolitan Magistrate, George Town, Chennai;

(v) The sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhaar Card or Bank Pass Book to ensure their identities; and

(vi) The Petitioner/Accused shall appear before the Trial Court on all working days at 10.30 a.m., until further orders.

9. The Criminal Miscellaneous Petition No.8422 of 2026 is ordered on the above conditions. Consequently, the Criminal Miscellaneous Petition No.8423 of 2026 is closed.

07-05-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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Note: Registry is directed to list Crl.R.C.No.1040 of 2026 on 01.06.2026 under the caption, "For Reporting Compliance".



To

1. The learned Judicial Magistrate, Fast Track Court – II, Erode.
2. The learned II Additional District and Sessions Judge, Erode.
3. The Public Prosecutor,
High Court, Madras.



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L.VICTORIA GOWRI, J.

av/mrr

**CRL MP NoS. 8422 & 8423 of 2026
IN
CRL RC NO. 1040 OF 2026**

07-05-2026