



WEB COPY

CRL MP No. 8427 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. 8427 of 2026

IN

CRL RC NO. 1042 OF 2026

V.K Senthil Raja S/o.V.M.Krishnamoorthi,
No.5, Vemandampalayam,
A.Anumanpalli Post,
Arachalur Via,
Erode District.

..Petitioner(s)

Vs

M.Ramesh S/o.Muthusamy,
Door No.120A,
Sennappanaickenpalayam,
Muthugoundenpalayam Post,
Erode District.

..Respondent(s)

PRAYER: This Criminal Miscellaneous Petition has been filed under Section 438(1) of B.N.S.S. to suspend the sentence of imprisonment imposed in the judgment dated 08.04.2026 in C.A.No.226 of 2022 on the file of the II Additional District and Sessions Judge, Erode confirming the conviction and sentence in S.T.C.No.249 of 2020 dated 10.10.2022 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 Honorable Court and thus render justice.

For Petitioner(s):

M/s.J.Ranjith Kumar

For Respondent(s):

Mr. A. Damodaran,
Additional Public Prosecutor.

**ORDER**

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence of imprisonment, imposed by the learned Judicial Magistrate, Fast Track Court-II, Erode through a Judgment in S.T.C.No.249 of 2020 dated 10.10.2022.

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	Simple imprisonment for 3 months and to pay compensation of Rs.2,50,000/- to the complainant, in default, to undergo one month simple imprisonment.

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

3. The case of the prosecution is that the defacto complainant and the accused are known to each other. On 27.09.2019, the accused borrowed a sum of Rs.2,50,000/- by cash from the complainant as a loan. In order to discharge the same, the accused issued a Post-dated cheque bearing No.559766 dated 27.10.2019 drawn on Indian Overseas Bank, Surampatti Branch and when the same was presented for collection on 24.01.2020 through ICICI Bank, Erode, it



was returned as 'funds insufficient'. The complainant issued a Legal Notice dated 19.02.2020. Despite the receipt of the same, the accused did not repay the loan amount . Hence the case.

4. The learned counsel for the petitioner would submit that the Courts below have failed to consider the material aspects. He further submitted that 20% of the compensation amount has already been paid. Hence, he prayed to suspend the sentence imposed on the petitioner.

5. 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.

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

7. 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 Judicial Magistrate, Fast Track Court-II, Erode;

(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.

8. Accordingly, this Criminal Miscellaneous Petition is ordered.

06-05-2026
[2/3]

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

MJS / VEDA



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



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L.VICTORIA GOWRI, J.

MJS /VEDA

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[2/3]**