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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2026

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

**Crl.M.P.Nos.17722 and 17719 of 2025 in
CRL RC No. 1788 of 2025**

N.K.Narayanan S/o. Kandasamy Pillai,
No.72, Gandhi Nagar, Attur Taluk,
Salem District.

..Petitioner

Vs

M/s.Valarmathi Finance By V.Sanjeevi
S.P.V.N. Complex, 1st Floor,
Attur Town, Salem District.

..Respondent

Crl.M.P.No.17722 of 2025

To suspend the sentence imposed on the petitioner in S.T.C. No.50 of 2017 by an order dated 17.11.2017 on the file of the Fast Track (Judicial Magistrate) Court Attur and confirmed in Criminal Appeal No.133 of 2017 on the file of The III Additional District and Sessions Judge Salem by a judgment dated 03.06.2023 and release the petitioner on bail pending disposal of the above criminal revision.

Crl.M.P.No.17719 of 2025

To exempt the petitioner from surrendering before the trial court in S.T.C.No.50 of 2017 on the file of Fast Track (Judicial Magistrate) Court Attur by a Judgment dated 17.11.2017 pending disposal of the above revision.



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For Petitioner:

K.Balasubramaniam

For Respondent:

No appearance.

ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned III Additional District and Sessions Judge Salem in Criminal Appeal No.133 of 2017 dated 03.06.2023, confirming the judgment of the learned Judicial Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing him to pay a fine of Rs.5,00,000/-, in default, to undergo Simple Imprisonment for six months. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt him from surrendering before the trial court.

2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.5,00,000/- 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. 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 thus prayed for suspending the sentence of fine imposed against



him and exempting him from surrendering before the Trial Court. He further submits that pursuant to the order of this court dated 22.9.2025, the petitioner has deposited a sum of Rs.1,00,000/- to the credit of S.T.C. No.50 of 2017 on the file of the Fast Track (Judicial Magistrate) Court Attur to show his bona fide.

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 has already deposited Rs.1,00,000/- as directed, this Court is inclined to suspend the sentence of fine imposed on the petitioner on the following conditions:-

a) The petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of Fast Track (Judicial Magistrate) Court, Attur;

b) 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;

c) 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 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; and

d) The Trial Court shall redeposit the amount deposited by the petitioner 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;

7. Accordingly, the Criminal Miscellaneous Petitions are ordered.

06-01-2026

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Index: Yes/No.

Internet: Yes/No.

To

1. III Additional District and Sessions Judge,
Salem

2. Fast Track (Judicial Magistrate) Court, Attur

3. M/s.Valarmathi Finance By V.Sanjeevi
S.P.V.N. Complex, 1st Floor, Attur Town,
Salem District.



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SUNDER MOHAN, J.

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