



Crl.M.P. No.24326 of 2025
in
Crl.R.C. No. 2788 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P. No. 24326 of 2025

in

Crl.R.C. No. 2788 of 2025

N. Subramaniam,
S/o. Nallusamy,
Proprietor of Mandi (Godown),
No. 24/98, Ganesapuram 1st Street,
Namakkal.

..Petitioner

Vs.

P. Dhanagopal,
S/o. Palaniappan,
No. 69C, Trichy Road,
Namakkal Taluk,
Namakkal District.

..Respondent

Prayer: Criminal Miscellaneous Petition filed to suspend the sentence imposed on the petitioner by judgment dated 30.06.2023 passed in C.C. No. 510 of 2021 by the learned Judicial Magistrate, Additional Mahila Court, Namakkal and confirmed by judgment dated 19.03.2025 in Crl.A. No. 145



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of 2023 by the learned Principal District and Sessions Judge, Namakkal,
pending disposal of the criminal revision petition.

For Petitioner :: Mr.K. Venkatesan

O R D E R

The petitioner has preferred the above revision challenging the judgment dated 19.03.2025 passed by the learned Principal District and Sessions Judge in Crl.A. No. 145 of 2023 confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing him to undergo simple imprisonment for 2 months and to pay compensation of Rs.1,00,000/- carrying a default sentence of 15 days 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.1,00,000/- 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.



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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 judgments of the Courts below are liable to be set aside; and that, to show his bona fides, the petitioner is willing to deposit 50% of the cheque amount.

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 50% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner subject to the following conditions:

(i) The petitioner/Accused shall deposit 50% of the cheque amount to the credit of C.C. No. 510 of 2021 on the file of learned Judicial Magistrate, Additional Mahila Court,



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Namakkal District, within a period of four weeks from the date of receipt of a copy of this order;

(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;

(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.10,000/- with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Namakkal District;

(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



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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

(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.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

29.01.2026

Neutral Citation: Yes/No
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To

1. The Principal District and Sessions Judge,
Namakkal District.
2. The Judicial Magistrate,
Addl. Mahila Court,
Namakkal District.



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SUNDER MOHAN,J.

nv

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