



Crl.M.P.Nos.16944 and 16945 of 2025
in Crl.R.C.No.1664 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.Nos.16944 and 16945 of 2025

in

Crl.R.C.No.1664 of 2025

A.V.Venkatesan

... Petitioner in both cases

Vs.

J.Mary Mekala

... Respondent in both cases

PRAYER in Crl.M.P.No.16944 of 2025: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, 2023, to suspend the substantial sentence of imprisonment alone imposed in S.T.C.No.166 of 2015 on 19.12.2018 by the Judicial Magistrate I, Krishnagiri and having confirmed by the Principal District and Sessions Judge, Krishnagiri on 18.09.2024 in C.A.No.18 of 2019 and enlarge the petitioner herein on bail pending disposal of the criminal revision.

PRAYER in Crl.M.P.No.16945 of 2025: Criminal Miscellaneous Petition filed under Section 528 of BNSS, 2023, to exempt the petitioner from surrendering before the trial Court in S.T.C.No.166 of 2015 on the file of the Judicial Magistrate-I, Krishnagiri and having been confirmed by the Principal District and Sessions Judge, Krishnagiri on 18.09.2024 in C.A.No.18 of 2019 for the suspension of sentence in this regard



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pending disposal of the Criminal Revision Petition.

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For Petitioner : Mr.D.Ashokkumar

For Respondent : Mr.A.Murugan

ORDER

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner/Accused by judgment dated 19.12.2018 passed in S.T.C.No.166 of 2015 by the learned Judicial Magistrate No.I, Krishnagiri and confirmed vide judgment dated 18.09.2024 in Crl.A.No.18 of 2019, by the learned Principal District and Sessions Judge, Krishnagiri, and also to exempt him from surrendering before the trial Court, pending disposal of the Criminal Revision Case.

2. It is the case of the respondent that towards discharge of liability, the petitioner had issued a cheque for Rs.3,00,000/- to the respondent and when the said cheque was presented for collection, the same was returned for the reason 'Funds Insufficient' and inspite of the statutory notice, the petitioner did not pay the cheque amount.



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3. The petitioner was convicted by the trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo one year simple imprisonment and to pay Rs.3,00,000/- (Cheque Amount) as compensation, in default to undergo simple imprisonment for a further period of one month.

4. Challenging the above conviction and sentence, the petitioner/Accused preferred Crl.A.No.18 of 2019. The appellate Court, vide judgment dated 18.09.2024 confirmed the judgment of conviction and sentence passed by the trial Court.

5. Aggrieved by the same the petitioner/accused has preferred Crl.R.C.No.1664 of 2025 and pending revision has sought for suspension of sentence and exemption from surrendering before the trial Court, in these Criminal Miscellaneous Petitions.

6. The learned counsel for the petitioner/accused submitted that the petitioner has raised substantial grounds in the revision, which requires consideration; and that to show his *bona fide*, he is willing to deposit 30% of the cheque amount; and prayed for suspension of sentence.



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7. Heard the learned counsel for the petitioner and perused the materials available on record.

8. Considering the submissions made by the learned counsel for the petitioner that there are several arguable points in the above revision which requires consideration and the fact that the petitioner is willing to deposit 30% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner and exempt him from surrendering before the trial Court.

9. Accordingly, these Criminal Miscellaneous Petitions are allowed and till the disposal of the Criminal Revision cases, the sentence imposed upon the petitioner by the trial Court, is suspended and he is exempted from surrendering before the trial Court, on the following conditions:

(i) The petitioner/Accused shall deposit 30% of the cheque amount, to the credit of S.T.C.No.166 of 2015 on the file of the learned Judicial Magistrate No.I, Krishnagiri, 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



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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 Cases;

(iii) Thereafter, the sentence of imprisonment alone imposed on the petitioner 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 No.I, Krishnagiri;

(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 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, depositing the said amount, it is open to the trial Court to commit the petitioner into custody for undergoing the sentence.



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To

- 1.The Principal District and Sessions Court, Krishnagiri.
- 2.The Judicial Magistrate No.I, Krishnagiri.
- 3.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

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