



Crl.M.P.Nos.16089 and 16091 of 2023
in Crl.R.C.No.1690 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.Nos.16089 and 16091 of 2023

in

Crl.R.C.No.1690 of 2023

N.Inayathulla

... Petitioner in both cases

Vs.

Supreme Enterprises, Nagapattinam,
By its Shareholders M.M.Sheik Dawood,
M.Chellappa,
Represented by their Power Agent,
Ravindranathan aged about 69 years,
S/o. Ramalingam,
Thandavaraya Pillai Street,
Nagapattinam.

... Respondent in both cases

PRAYER in Crl.M.P.No.16089 of 2023: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, to pass an order suspending the sentence of imprisonment passed in C.A.No.08 of 2022 on the file of the learned Sessions Judge, Nagapattinam in its judgment dated 28.07.2023 confirming the order of conviction in the Judgement in S.T.C.No.38 of 2014 dated 11.04.2022 on the file of the learned Judicial Magistrate Court No.I, (Fast Track Judicial Magistrate Additional Full Charge), Nagapattinam and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Case.

PRAYER in Crl.M.P.No.16091 of 2023: Criminal Miscellaneous



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Petition filed under Section 482 of Criminal Procedure Code, to grant exemption from surrender to the petitioner in S.T.C.No.38 of 2014 order of conviction dated 11.04.2022 on the file of the learned Judicial Magistrate Court No.I, (Fast Track Judicial Magistrate Additional Full Charge), Nagapattinam, in pursuance of the order passed by the Sessions Court, Nagapattinam in C.A.No.08 of 2022 dated 28.07.2023 in the above Crl.R.C.No.1690 of 2023.

For petitioner : Ms.V.Mythili Srinivas

For Respondent : Ms.A.Ajimath Begum

ORDER

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner/Accused by judgment dated 11.04.2022 passed in S.T.C.No.38 of 2014 by the learned Judicial Magistrate No.I (Fast Track Judicial Magistrate, Additional Full Charge), Nagapattinam, and confirmed vide judgment dated 28.07.2023 in Crl.A.No.08 of 2022, by the learned Sessions Judge, Nagapattinam, 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.14,50,000/- to the respondent and when the said cheque was presented for collection, the



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same was returned for the reason 'Funds Insufficient' and inspite of the statutory notice, the petitioner did not pay the cheque amount.

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 double of the cheque amount i.e. Rs.29,00,000/- as compensation, in default to undergo simple imprisonment for a further period of six months.

4. Challenging the above conviction and sentence, the petitioner/Accused preferred Crl.A.No.08 of 2022. The appellate Court, vide judgment dated 28.07.2023 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.1690 of 2023 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



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requires consideration; that the petitioner has already deposited Rs.2,90,000/- of the cheque amount; and that to show his *bona fide*, he is willing to deposit further sum equivalent to 50% of the cheque amount; and prayed for suspension of sentence.

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 50% 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 50% of the cheque amount, to the credit of S.T.C.No.38 of 2014 on the



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file of the learned Judicial Magistrate No.I (Fast Track Judicial Magistrate, Additional Full Charge), Nagapattinam, 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 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 (Fast Track Judicial Magistrate, Additional Full Charge), Nagapattinam;

(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



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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.

06.01.2026
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To

- 1.The Sessions Court, Nagapattinam.
- 2.The Judicial Magistrate No.I
(Fast Track Judicial Magistrate, Additional Full Charge), Nagapattinam
- 3.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

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