



WEB COPY

CRL MP No. 951 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 951 of 2026

& CRL MP No.954 of 2026

IN CRL RC NO. 150 OF 2026

CRL MP No. 951 of 2026

S.Rajamanickam

..Petitioner(s)

Vs

Sengodan

..Respondent(s)

To suspend the sentence of imprisonment imposed in the judgment dt. 19.05.2023 passed in C.C.No. 222/2019 by the Learned District Munsif cum Judicial Magistrate, Edapadi confirming the judge conviction imposed in judgment dt. 14.03.2025 made in Crl.A.No. 89/2023 on the file of the II Additional District and Sessions Court, Salem and enlarge the petitioner on bail while pending of the revision.

CRL MP No. 954 of 2026

S.Rajamanickam

..Petitioner(s)

Vs

Sengodan



To grant an order for exemption from surrendering before the learned the II Additional District and Sessions Court, Salem imposed in the order dt. 14.03.2025 made in CrI.A.No. 89/2023 and whereof the Appellate court the punishment confirming the conviction imposed in order dt. 19.05.2023 made in C.C.No. 222/2019 on the file of the District Munsif cum Judicial Magistrate , Edapadi while pending disposal of the CrI.R.C

For Petitioner(s): Mr.R.Thirumoorthy

For Respondent(s): Mr.T.N.Rangesh Kanna

ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned II Additional District and Sessions Court, Salem, in C.A.No.89 of 2023, dated 14.03.2025, 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 six months' Simple Imprisonment and to pay compensation of Rs.5,00,000/- along with interest at 9% per annum from the date of dishonour of the cheque. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the above revision.



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 “Account closed by the Customer”; that in spite of the statutory notice, the petitioner did not make the payment; and hence liable for the said offence.

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 judgment 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 respondent 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 grant suspension of sentence and exempt the petitioner from surrendering before the Trial Court, subject to the following conditions:



(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit 50% of the cheque amount to the credit of CC.No.222 of 2019 on the file of the learned District Munsif -cum- Judicial Magistrate Court, Edapadi, 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 Trial Court.

(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 a 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 that 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.

(vi) On the failure of the petitioner/accused, depositing the above said amount, it is open to the Trial Court to commit the petitioner/accused into custody for undergoing the sentence.

6. The respondent is permitted to withdraw the said 50% of the amount deposited to the credit of C.C.No.222 of 2019 on the file of the learned District Munsif-cum-Judicial Magistrate Court, Edapadi, by filing an affidavit before the learned Magistrate. In the event of the petitioner succeeding in the revision, the respondent shall return the said sum.

7. Accordingly, this Criminal Miscellaneous Petition is ordered.

10-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

skr

To

1. Learned District Munsif cum Judicial Magistrate, Edapadi
2. Learned II Additional District and Sessions Court, Salem
3. Learned Public Prosecutor, Madras High Court, Chennai.



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SUNDER MOHAN, J.

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