



WEB COPY

CRL MP No.63 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL MP No.63 of 2026

in

CRL RC No.17 of 2026

K.K.M.Vellingiri
S/o.S.K.Manickam,
Owner of S.K.Engineering,
D.No.9/10, Adithiya Motors Backside,
Kovai Road, Kangeyam Taluk,
Tiruppur District.

Petitioner(s)

Vs

Raju
S/o.Govindaswamy,
Door No.65, Kongu Nagar,
Court Street, Dharapuram Road,
Kangeyam Town, Tiruppur District.

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS Act, to suspend the sentence imposed by the III Additional District and Sessions Judge, Dharapuram in Crl.A.No.66/2021, confirming the judgement passed by the Judicial Magistrate Court, Kangeyam, in S.T.C.No.247/2018 pending disposal of the above Criminal Revision.

For Petitioner(s): Mr.P.J.Sri Ganesh



ORDER

The petitioner has preferred the above revision, challenging the judgment passed by the learned III Additional District and Sessions Judge, Dharapuram, in C.A.No.66 of 2021, dated 10.10.2025, confirming the judgement of the learned Judicial Magistrate, Kangayam, convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo six months' simple imprisonment and to pay a fine of Rs.5,000/- in default to undergo one month 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.10,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'Account Closed'; 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 Rs.3,00,000/- 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 Rs.3,00,000/- (Rupees Three Lakhs Only) 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 Rs.3,00,000/- (Rupees Three Lakhs Only) of the cheque amount to the credit of S.T.C.No.247 of 2018 on the file of the learned Judicial Magistrate, Kangayam, 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, Kangayam;

(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/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.

07-01-2026

Jd
Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No



To

1. III Additional District and Sessions Judge, Dharapuram.
2. The Judicial Magistrate Court, Kangeyam.



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