



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-01-2026

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**CORAM
THE HON'BLE MR.JUSTICE SUNDER MOHAN**

CRL MP NO. 23180 OF 2025

IN

CRL RC No. 2643 of 2025

T.Sureshkumar
S/o.Thangaraj

..Petitioner(s)

Vs

P.Murugesan
S/o.Periya Gounder

..Respondent(s)

PRAYER IN CRL MP No. 23180 of 2025

Criminal Miscellaneous Petition filed under Sec.430(1) of B.N.S.S., 2023, to suspend the sentence of imprisonment imposed on the petitioner in STC No.1 of 2020 dated 12.09.2023 by the Judicial Magistrate No.II, Bhavani confirmed in C.A.No.348 of 2023 by the learned IV Additional District and Sessions Judge, Bhavani, Erode District dated 18.09.2025 pending disposal of the criminal revision petition permit the petitioner to be released on bail on such terms and conditions.

PRAYER IN CRL RC No. 2643 of 2025

Criminal Revision Case filed under Sec.438 r/w 442 of B.N.S.S., 2023, to call for the records and set aside the Judgment dated 18.09.2025 made in C.A.No.348 of 2023 on the file of the IV Additional District and Sessions Judge, Erode District at Bhavani confirmed the order dated 12.09.2023 made in STC No.1 of 2020 on the file of the Judicial Magistrate No.II, Bhavani at Erode District.

For Petitioner(s):

Mr.B.Balaji



ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned IV Additional District and Sessions Judge, Erode District at Bhavani, dated 18.09.2025 in C.A.No.348 of 2023, confirming the Judgment passed by the learned Judicial Magistrate No.II, Bhavani, Erode District in S.T.C.No.1 of 2020 dated 12.09.2023, and enlarge the petitioner on bail, pending disposal of the above Criminal Revision.

2. The case of the respondent is that the petitioner had issued a cheque for Rs.1,00,000/- (Rupees One Lakh Only) on 24.09.2019; that when the said cheque was presented for collection, it was dishonoured for the reason “Account Closed”; and that in spite of statutory notice, the petitioner did not make the payment.

3. The petitioner/accused in S.T.C.No.1 of 2020 was convicted by the Trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for 1 year with compensation of a sum of Rs.1,00,000/- (Rupees One Lakh only), in default, to undergo simple imprisonment for three months. Challenging the judgment of conviction and sentence imposed by the trial court, the petitioner has preferred an appeal in Crl.A No.348 of 2023 before the IV Additional District and Sessions Judge,



Erode District at Bhavani, and the said appeal was dismissed by judgment dated 18.09.2025. Aggrieved by the same, the petitioner has filed the above Criminal Revision along with the instant miscellaneous petition seeking suspension of sentence.

4. Mr.B.Balaji, the learned counsel for the petitioner, would submit that both the Courts below failed to appreciate that the debt is barred by limitation; that the respondent had not produced any proof to establish that the petitioner had borrowed a sum of Rs.1,00,000/- (Rupees One Lakh Only); that though the respondent claimed that the petitioner had executed a promissory note, the same was not filed and all these facts are admitted by the respondent in the cross-examination; that to show his bonafide, the petitioner is willing to deposit 50% of the cheque amount and prayed for suspension of sentence.

5. Considering the submissions made by the petitioner and finding force in the same, this Court is inclined to suspend the sentence imposed on the petitioner by the trial court and release him on bail subject to the following conditions, till the disposal of the above Criminal Revision :

- (i) The sentence of imprisonment alone, imposed on the petitioner/accused, shall be suspended and the petitioner shall be released on bail 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.II, Bhavani;



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(ii) 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;

(iii) 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

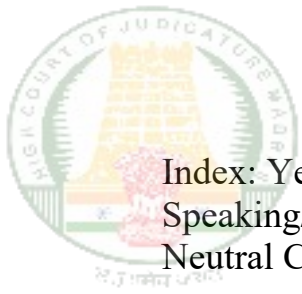
(iv) The petitioner/accused shall deposit 50% of the cheque amount i.e., Rs.50,000/- [Rupees Fifty Thousand only], within a period of four weeks from the date of receipt of a copy of this order;

(v) 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;

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

7. Accordingly, this Criminal Miscellaneous Petition is ordered.

09-01-2026



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

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To

1. The IV Addl. District and Sessions Judge, Erode District at Bhavani.
2. The Judicial Magistrate No.II, Bhavani at Erode Dt.



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IN CRL RC No. 2643 of 2



SUNDER MOHAN J.

RPP

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