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Crl.M.P.Nos.653 & 655 of 2026
in Crl.R.C.No.107 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2026

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.653 & 655 of 2026
Crl.R.C.No.107 of 2026

K.Rayappan

...Petitioner

-VS-

A.Kangarathinam

...Respondent

PRAYER in Crl.M.P.No.653 of 2026: Criminal Miscellaneous Petition filed under Section 397(1) of CrI.P.C., praying to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 16.09.2025 made in C.A.No.352 of 2023 on the file of the IIIrd Additional District Judge, Erode, confirming the judgment dated 09.08.2023 made in S.T.C.No.1674 of 2017 on the file of the Judicial Magistrate No.I, Gobichettipalayam and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition before this Hon'ble Court.

PRAYER in Crl.M.P.No.655 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying for an order of exemption from surrendering before the trial Court pursuant to the judgment dated 16.09.2025

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made in C.A.No.352 of 2023 on the file of the IIIrd Additional District Judge, Erode, confirming the judgment dated 09.08.2023 made in S.T.C.No.1674 of 2017 on the file of the Judicial Magistrate No.1, Gobichettipalayam.

For Petitioner : Ms.Danyuktaa Shruthi

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 16.09.2025 passed by the learned III Additional District Judge, Erode, in Crl.A.No.352 of 2023 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 simple imprisonment for a period of one year besides directing the petitioner to pay compensation of Rs.2,00,000/-. 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.2,00,000/- towards discharge of liability; that when the said



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cheque was presented for collection, it was returned for the reason 'Funds Insufficient'; 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 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 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:



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(i) The petitioner/Accused shall deposit 50% of the cheque amount to the credit of S.T.C.No.1674 of 2017 on the file of the learned Judicial Magistrate No.I, Gobichettipalayam, 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 No.I, Gobichettipalayam;

(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;



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(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 Petitions are ordered.

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Tsg

To

- 1.The Judicial Magistrate No.I,
Gobichettipalayam.
- 2.The III Additional District Judge,
Erode.



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SUNDER MOHAN, J.

Tsg

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