



Crl.M.P. No. 811 of 2026
in
Crl.R.C. No. 139 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2026

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

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in
Crl.R.C. No. 139 of 2026

Mr.K. Palanisamy,
S/o. Kaliappan,
Proprietor of Wistom Garments,
No.33/13, Valliammai Nagar,
Maniakkaranapalayam Road,
Tirupur – 641 604.

..Petitioner

Vs.

Mr.C. Senthilkumar,
S/o. Chinnasamy,
Alagan Thottam,
Jothiampatty,
Kundadam Post,
Dharapuram Taluk.

..Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 438(1) of BNSS Act, to suspend the sentence imposed on the petitioner by judgment dated 18.09.2025 passed in Crl.A. No. 52 of 2019 by the learned III Additional District and Sessions Judge, Dharapuram, confirming the



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judgment dated 29.04.2019 passed in C.C. No. 29 of 2012 by the learned Judicial Magistrate, Dharapuram, pending disposal of the criminal revision petition.

For Petitioner :: Mr.T. Sathyanarayanan

ORDER

The petitioner has preferred the above revision challenging the judgment dated 18.09.2025 passed by the learned III Additional District and Sessions Judge, Dharapuram, in Crl.A.No. 52 of 2019 confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 r/w 142 of the Negotiable Instruments Act, and sentencing him to undergo simple imprisonment for one year. 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.6,20,000/- towards discharge of liability; that when the said 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.



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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 suspend the sentence imposed on the petitioner, till the disposal of the revision, subject to the following conditions:

(i) The petitioner/Accused shall deposit 50% of the cheque amount to the credit of C.C. No. 29 of 2012 on the file of Judicial Magistrate, Dharapuram, within a period of four weeks from the date of receipt of a copy of this order;



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(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 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



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(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.

Neutral Citation: Yes/No
nv

22.01.2026
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To

1.The III Additional District and Sessions Judge,
Dharapuram.

2.The Judicial Magistrate,
Dharapuram.



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SUNDER MOHAN, J.

nv

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