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Crl.M.P.No.2016 of 2026
in Crl.RC.No.285 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.2016 of 2026
in Crl.RC.No.285 of 2026

R.Ramasamy

... Petitioner /Petitioner

Vs.

1.T.Abdul Rahman
2.The State represented by
The Public Prosecutor,
The Nilgiris.

... Respondent/Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430 of BNSS praying to suspend the sentence imposed on the petitioner in C.A.No.44 of 2024 on the file of the learned Sessions Judge, Nilgiris District at Udhagamandalam dated 25.10.2025 confirming the conviction and sentence passed by the learned Principal District Munsif Cum Judicial Magistrate Court, Gudalur in S.T.C.No.242 of 2020 dated 07.09.2023 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

For Petitioner

: Mr.J.Franklin

For R2

: Mr.R.Vinothraja,
Government Advocate (Crl. Side)



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ORDER

The petitioner has preferred the above revision challenging the judgment dated 25.10.2025 passed by the learned Sessions Judge, Nilgiris District at Udthagamandalam, in Crl.A.No.44 of 2024 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 and to pay a sum of Rs.5,000/-, in default, to undergo two months simple imprisonment, besides directing the petitioner to pay compensation of Rs.4,00,000/-. 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.4,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned stating '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



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liable to be set aside; and that, to show her 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, subject to the following conditions:

(i) The petitioner/Accused shall deposit 50% of the cheque amount to the credit of S.T.C. No. 242 of 2020 on the file of learned Principal District Munsif Cum Judicial Magistrate Court, Gudalur 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;



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(iii) Thereafter, the sentence of imprisonment alone imposed on the petitioner/Accused shall be suspended, on him executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Principal District Munsif Cum Judicial Magistrate Court, Gudalur;

(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.



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6. Accordingly, this Criminal Miscellaneous Petition is ordered.

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To

- 1.The Sessions Judge,
Nilgiris District at Udhagamandalam.
- 2.The Principal District Munsif Cum
Judicial Magistrate Court, Gudalur.



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SUNDER MOHAN, J.

Tsg

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