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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 21.01.2026**

CORAM:

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

**Crl.M.P.Nos.24975 and 24978 of 2025**
**in**
**Crl.R.C.No.2899 of 2025**

M.Ramanathan ...Petitioner
in both cases

-Vs-

P.Subramanian ...Respondent
in both cases

For Petitioner : Ms.R.Hemalatha

**PRAYER in Crl.M.P.No.24975 of 2025**: Criminal Miscellaneous Petition filed under Section 438 r/w 442 of BNSS Act, to exempt the petitioner from surrendering before the trial Court, in pursuant to the judgment in C.A.No.34 of 2025 dated 25.10.2025 on the file of the II Additional District and Sessions Judge, Tiruchengode, whereby confirmed the order passed by the Judicial Magistrate, (FTC), Tiruchengode in S.T.C.No.147 of 2022 dated 20.02.2025, pending disposal of the revision.

**PRAYER in Crl.M.P.No.24978 of 2025:** Criminal Miscellaneous Petition filed under Section 528 of BNSS Act, to suspend the sentence imposed on the petitioner as per order passed in C.A.No.34 of 2025 dated 25.10.2025 on the file of the II Additional District and Sessions Judge, Tiruchengode, whereby confirmed the order passed by the Judicial Magistrate, (FTC), Tiruchengode in S.T.C.No.147 of 2022 dated 20.02.2025 pending disposal of the above Criminal Revision Petition.



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**SUNDER MOHAN, J.**

**ORDER**

Today, 21.01.2026, the above matter is listed under the caption 'For Being Mentioned' at the instance of the learned counsel for the petitioner.

2. Though this Court had directed that the petitioner shall deposit 20% of the cheque amount and permitted such deposit for granting suspension of sentence, the order dated 06.01.2026 in Crl.M.P.Nos.24975 and 24978 of 2025 in Crl.R.C.No.2899 of 2025 inadvertently records that the petitioner is willing to deposit 50% of the cheque amount instead of 20%. On verification of the notes of the Stenographer, this Court finds that the submission of the learned counsel is correct. Therefore, the Registry is directed to carry out the necessary correction and issue a fresh order copy.

**21.01.2026**

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 06.01.2026**

CORAM

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**Crl.M.P.Nos.24975 and 24978 of 2025**
**in**
**Crl.R.C.No.2899 of 2025**

M.Ramanathan ... Petitioner in both cases

Vs.

P.Subramanian ... Respondent in both cases

**PRAYER in Crl.M.P.No.24975 of 2025**: Criminal Miscellaneous Petition filed under Section 438 r/w 442 of BNSS Act, to exempt the petitioner from surrendering before the trial Court, in pursuant to the judgment in C.A.No.34 of 2025 dated 25.10.2025 on the file of the II Additional District and Sessions Judge, Tiruchengode, whereby confirmed the order passed by the Judicial Magistrate, (FTC), Tiruchengode in S.T.C.No.147 of 2022 dated 20.02.2025, pending disposal of the revision.

**PRAYER in Crl.M.P.No.24978 of 2025**: Criminal Miscellaneous Petition filed under Section 528 of BNSS Act, to suspend the sentence imposed on the petitioner as per order passed in C.A.No.34 of 2025 dated 25.10.2025 on the file of the II Additional District and Sessions Judge, Tiruchengode, whereby confirmed the order passed by the Judicial Magistrate, (FTC), Tiruchengode in S.T.C.No.147 of 2022 dated 20.02.2025 pending disposal of the above Criminal Revision Petition.



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For petitioner : Ms.R.Hemalatha

ORDER

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner/Accused by judgment dated 20.02.2025 passed in S.T.C.No.147 of 2022 by the learned Judicial Magistrate (FTC), Tiruchengode, and confirmed vide judgment dated 25.10.2025 in Crl.A.No.34 of 2025, by the learned II Additional District and Sessions Judge, Tiruchengode, and also to exempt him from surrendering before the trial Court, pending disposal of the Criminal Revision Case.

2. It is the case of the respondent that towards discharge of liability, the petitioner had issued a cheque for Rs.9,50,000/- to the respondent and when the said cheque was presented for collection, the same was returned for the reason 'Funds Insufficient' and inspite of the statutory notice, the petitioner did not pay the cheque amount.

3. The petitioner was convicted by the trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo one year simple imprisonment and to pay Rs.9,50,000/- (Cheque amount) as compensation to the complainant within a period of one



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month, in default to undergo simple imprisonment for a further period of one month.

4. Challenging the above conviction and sentence, the petitioner/Accused preferred Crl.A.No.34 of 2025. The appellate Court, vide judgment dated 25.10.2025 confirmed the judgment of conviction and sentence passed by the trial Court.

5. Aggrieved by the same the petitioner/accused has preferred Crl.R.C.No.2899 of 2025 and pending revision has sought for suspension of sentence and exemption from surrendering before the trial Court, in these Criminal Miscellaneous Petitions.

6. The learned counsel for the petitioner/accused submitted that the petitioner has raised substantial grounds in the revision, which requires consideration; and that to show his *bona fide*, the petitioner is willing to deposit 50% of the cheque amount; and prayed for suspension of sentence.

7. Heard the learned counsel for the petitioner and perused the materials available on record.



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8. Considering the submissions made by the learned counsel for the petitioner that there are several arguable points in the above revision which requires 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 and exempt him from surrendering before the trial Court.

9. Accordingly, these Criminal Miscellaneous Petitions are allowed and till the disposal of the Criminal Revision cases, the sentence imposed upon the petitioner by the trial Court, is suspended and he is exempted from surrendering before the trial Court, on the following conditions:

(i) The petitioner/Accused shall deposit 50% of the cheque amount, to the credit of S.T.C.No.147 of 2022 on the file of the learned Judicial Magistrate (FTC), Tiruchengode, 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 Cases;

(iii) Thereafter, the sentence of imprisonment alone imposed on the petitioner shall be suspended, on his



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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 (FTC), Tiruchengode;

(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, depositing the said amount, it is open to the trial Court to commit the petitioner into custody for undergoing the sentence.

**06.01.2026**
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To

1.The II Additional District & Sessions Judge, Tiruchengode.

2.The Judicial Magistrate (FTC), Tiruchengode

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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Crl.M.P.Nos.24975 and 24978 of 2025

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06.01.2026
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