



*CRL MP(MD) No.5007 of 2026
in Crl.R.C.(MD)No.405 of 2026*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2026

**CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

CRL MP(MD) No.5007 of 2026
in
CRL RC(MD) No.405 of 2026

S.S.N.Chokkalingam

... Petitioner

Vs

Dinakaran

... Respondent

For Petitioner: Mr.C.Saravanakumar

Prayer in CRL MP(MD).5007 of 2026 :

This Criminal Miscellaneous Petition filed under Section 432 of B.N.S.S. praying to suspend the Sentence imposed against the petitioner by the common judgment of conviction and sentence passed by Court of the Additional District and Sessions Judge (FTC), Tenkasi District in Criminal Appeal No.156 of 2023 dated 19.11.2025 by confirming the judgment of conviction and sentence passed by the Judicial Magistrate Court, Alangulam, Tenkasi District in S.T.C.No.208 of 2017 dated 25.07.2023 enlarge the petitioner on bail.



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the Sentence imposed against the petitioner by the common judgment of conviction and sentence passed by Court of the Additional District and Sessions Judge (FTC), Tenkasi District in Criminal Appeal No.156 of 2023 dated 19.11.2025 by confirming the judgment of conviction and sentence passed by the Judicial Magistrate Court, Alangulam, Tenkasi District in S.T.C.No.208 of 2017 dated 25.07.2023 enlarge the petitioner on bail.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.3,50,000/- from the respondent on 15.09.2016 agreeing to repay the same within two months and had given post dated cheque bearing number 031191 issued for an amount of Rs.3,50,000/-. When the respondent has presented the cheque for collection on 25.11.2026, the same was returned with reason “Funds Insufficient” on 14.12.2026, that the respondent has sent legal notice on 20.12.2016 to the petitioner demanding repayment of the amount covered by the cheque and despite the same was received by the petitioner, the petitioner has not chosen to reply the same or to repay the said amount. Therefore, the respondent has filed a private complaint for the offence under



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Section 138 of Negotiable Instruments Act against the petitioner.

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3. It is seen from the records that the petitioner has been convicted by the trial Court in S.T.C.No.208 of 2017 on 25.07.2023 for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of six months and also directed to pay a compensation of Rs. 3,50,000/- within a period of one month, in default, to undergo Simple Imprisonment for a period of one month. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.156 of 2023 on the file of the Additional District and Sessions Judge (FTC), Tenkasi District and the learned Additional District and Sessions Judge (FTC), Tenkasi District, by confirming the conviction and sentence, dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petition seeking suspension of sentence.

4. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner has already deposited 20% of the compensation amount before the learned trial Court.



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5. This Court has carefully considered the contentions putforth by the learned counsel appearing for the petitioner and also perused the materials available on record.

6. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

(i) The petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court, Alangulam, Tenkasi District;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of



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their Aadhar card or Bank Pass Book to ensure their identity; and

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(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders .

(iv) On such deposit, the learned trial Court shall re-deposit the said sum in a Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in CrI.R.C.(MD)No.405 of 2026.

8. Post the matter after four weeks 'for reporting compliance'.

04.03.2026

gbg

To

- 1.The Additional District and Sessions Judge (FTC),
Tenkasi District.
- 2.The Judicial Magistrate Court,
Alangulam, Tenkasi District.
- 3.Do through the Chief Judicial Magistrate,
Tenkasi District.

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