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CRL MP No. 15548 of 2



Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-09-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 15548 of 2026

IN

CRL RC NO. 1743 OF 2026

Shajahan
Proprietrix,
R.J.Enterprises,
No.F3, Block, Blossom Flats,
Chokkanathar Street,
Chennai-600 003.

..Petitioner(s)

Vs

R.Seenivasan
S/o. Raman,
Proprietor,
R.D.K.Rapiers,
No.3/39A, VOC Nagar,
K.N.Colony, Ammapettai,
Salem-636 014.

..Respondent(s)

Prayer:

Petition seeking to Suspend the Sentence of one year Simple Imprisonment made in Judgment dated 24.04.2026 in Crl.A.No.183 of 2025 on the file of I-Additional District and Sessions Judge, Salem confirming the conviction and sentence in the Judgment dated 09.10.2025 made in STC.No.10461 of 2022, on the file of Judicial Magistrate No.I, Salem and enlarge the Petitioner on Bail.



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For Petitioner(s):

Mr.K.A.Mariappan

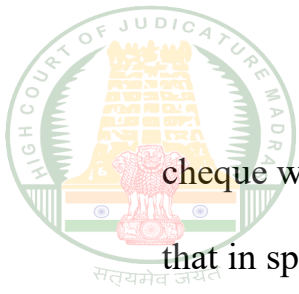
For Respondent(s):

Ms.Annie Devadharshini
for M/s.M.N.Balakrishnan

ORDER

The petitioner has preferred the above revision challenging the judgment dated 24.04.2026 passed by the learned I-Additional District and Sessions Judge, Salem in CrI.A.No.183 of 2025 confirming the Judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing the petitioner along with another accused to undergo simple imprisonment for a period of one year and to pay a sum of Rs.52,27,000/- to the complainant as compensation, in default, to undergo one month simple imprisonment. The instant petition has been filed to suspend the sentence imposed on the petitioner, pending disposal of the above revision.

2. It is the case of the respondent that the petitioner had issued five cheques totally for a sum of Rs.52,27,000/- (Rupees Fifty Two Lakhs and Twenty Seven Thousand Only) [four cheques for Rs.10 Lakhs each and one cheque for Rs.12,27,000/-] 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 though the petitioner had rebutted the statutory presumption, the Courts below had erroneously convicted him; that the petitioner was arrested on 14.08.2026 and is in custody for 33 days and that the petitioner has raised substantial grounds in the above revision which deserves consideration and that, to show his bona fide, the petitioner is willing to deposit 30% of the cheque amount to the credit of S.T.C.No.10461 of 2022. The learned counsel further submitted that at the time of execution of bond, the petitioner would deposit 10% of the cheque amount and would deposit the remaining 20% of the amount within a period of four weeks of his release.

4.Heard the learned counsel for the petitioner as well as the learned counsel for the respondent 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 30% of the cheque amount, this Court is inclined to suspend the sentence imposed



and release the petitioner on bail, subject to the following conditions:

(i) The petitioner/Accused shall deposit 10% of the cheque amount i.e., Rs.5,22,700/- (Rupees Five Lakhs Twenty Two Thousand and Seven Hundred Only) to the credit of S.T.C.No. 10461 of 2022 on the file of the learned Judicial Magistrate No.I, Salem, and execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Salem;

(ii) The petitioner shall deposit the balance 20% of the cheque amount i.e., Rs.10,45,400/- (Rupees Ten Lakhs Forty Five Thousand and Four Hundred Only) to the credit of S.T.C.No. 10461 of 2022 on the file of the learned Judicial Magistrate No.I, Salem, within a period of four weeks from the date of his release;

(iii) 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;

(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; and

(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



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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;

(vi) If the petitioner fails to deposit 20% as stated in clause(ii) above, the learned Magistrate may secure the petitioner/Accused to serve the sentence and report before this Court.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

17-09-2026

Note: Issue order copy on 17.09.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1.The I-Additional District and Sessions Judge,
Salem.

2.The Judicial Magistrate No.I,
Salem.

3.The Central Prison,
Salem.



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SUNDER MOHAN, J.

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