WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-10-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 2017 of 2024

CNR: {HCMA011288202024}

V.S.Arun
S/o.S.K.Sekar, No.163, Sedr Street, Sultanpet,
Velur Post, Paramathi Velur Tk, Namakkal - 638 182.

Case QR

..Petitioner(s)

Vs

Manojkumar Jain (huf)
Hindu Undivided Family Represented By Its
Kartha, P.Manojkumar, S/o.Poonamkumar Jain,
No.90, Mosikeeranar Street No.1,
Karungalpalayam, Erode - 638 003.

..Respondent(s)

Prayer: To call for the records and set aside the judgement dt 28.03.2024 made in CA. n. 279 of 2017 on the file of I Additional District and Sessions Judge, Erode which was confirming the judgment of the trial court dated 03.10.2017 in STC no. 90 of 2016 on the file of the LD JM , FTC NO.I, Erode and acquit the petitioner by allowing this revision petition.

For Petitioner(s): Mr. K M Santhosh for Mr. K.Sasindran

For Respondent(s): Ms. Amala Ananthi for Mr. C.S. Saravanan

ORDER

This Criminal Revision Case has been filed seeking to call for the records and set aside the judgment dated 28.03.2024 passed in C.A.No.279 of 2017 on the file of the learned I Additional District and Sessions Judge, Erode,

https://www.mhc.tn.gov.in/judis
IBC Laws | www.ibclaw.in

WEB COPY

confirming the judgment dated 03.10.2017 passed in S.T.C.No.90 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court No.I, Erode, and to acquit the petitioner by allowing this Criminal Revision Case.

2.This Court, vide order dated 05.12.2024, passed the following order:

"This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner by the judgment dated 28.03.2024 made in C.A.No.279 of 2017 on the file of the I Additional District and Sessions Judge, Erode, confirming the judgment of the trial court dated 03.10.2017 in S.T.C.No.90 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court No.I, Erode, pending disposal of the above revision.

2.The case of the respondent is that towards discharge of his liability, the petitioner has issued two cheques for Rs.5,00,000/- which, when presented, was returned for the reason "drawer's signature differs" and inspite of statutory notice, the petitioner did not make any payment.

3.The learned counsel for the petitioner would submit that a blank cheque issued to one Saravanan was misused by the complainant in collusion with the said Saravanan; that the respondent had not established that there is legally enforceable debt, and that there are several arguable points in the above revision which requires consideration, and to show his bonafides, the petitioner is willing to deposit 50% of the cheque amount and prayed for suspension of sentence.

https://www.mhc.tn.gov.in/judis
IBC Laws | www.ibclaw.in

WEB COPY

4.Heard the learned counsel for the petitioner as well as respondent and perused the records.

5.Considering the submissions made by the learned counsel for the petitioner that there are substantial grounds 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 by the trial court, subject to the following conditions, till the disposal of the above Criminal Revision:

(i) The petitioner/accused is directed to deposit 50% of the cheque amount, i.e., Rs.2,50,000/- [Rupees Two Lakhs Fifty Thousand only], 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 Nationalised 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 like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court No.I, Erode.

https://www.mhc.tn.gov.in/judis
IBC Laws | www.ibclaw.in

WEB COPY

(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 Aadhaar 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.

(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."

3.Thereafter, the petitioner failed to comply with the condition imposed by this Court, directing him to deposit 50% of the cheque amount, i.e., Rs.2,50,000/-. When the matter was listed on 02.09.2026, the petitioner appeared in person and sought one week's time to make the deposit. Accordingly, this Court passed the following order:

"The petitioner is present in person and seeks a week's time to deposit Rs.2,50,000/- as directed by this Court while granting suspension of sentence by order dated 05-12-2024.

https://www.mhc.tn.gov.in/judis
IBC Laws | www.ibclaw.in

WEB COPY

2. Therefore, the time to deposit money is extended till 10-9-2026.

3. List the revision on 11-9-2026 and the petitioner shall be present in person on the said date."

4.Thereafter, when the matter was listed on 11.09.2026, the Coordinate Bench of this Court, taking note of the petitioner's failure to comply with the conditional order, passed the following order:

> *Admittedly, the petitioner has not complied with the conditional order passed by this Court, directing him to deposit 50% of the cheque amount, while granting suspension of sentence.*
>
> *2.This Court, on 02.09.2026, granted a week's time for the petitioner to make the deposit.*
>
> *3.The learned counsel for the petitioner would submit that the petitioner has not made the payment so far.*
>
> *4.In view of the same, the order of this Court dated 05.12.2024, granting suspension of sentence, stands vacated and the learned Magistrate is directed to secure the petitioner forthwith to serve the sentence of imprisonment.*
>
> *5.The learned Magistrate is directed to report the action taken by 09.10.2026."*

https://www.mhc.tn.gov.in/judis
IBC Laws | www.ibclaw.in

WEB COPY

5.The magistrate also submitted a report dated 08.10.2026. it is being reproduced hereunder:

"I most humbly submitted that, as per order received by this court on 21.09.2026 from the Hon'ble High Court, Madras, period of time for deposit of 50% of the cheque amount. Further I most humbly submitted that the petitioner/accused was neither complied the order nor deposit the 50% of the chques amount of Rs.2,50,000/- before this court. Hence, Non-Bailable Warrant issued by this court against the accused to the Special Wing for execution of warrant, Erode in D. No.1453/2026, date: 16.09.2026 and the same is not yet executed.

This report is submitted that for your Honour's kind consideration."

6.Pursuant to the above direction, the learned Judicial Magistrate, Fast Track Court No.I, Erode, submitted a report dated 08.10.2026, stating that the petitioner/accused had neither complied with the conditional order nor deposited 50% of the cheque amount, namely, Rs.2,50,000/-. It was further reported that a Non-Bailable Warrant had been issued against the petitioner to the Special Wing for execution of warrants, Erode, vide D.No.1453/2026, dated 16.09.2026, and that the same had not yet been executed.

7.When the matter is taken up for hearing, the learned counsel for the petitioner submits that he is ready to argue the Criminal Revision Case on

https://www.mhc.tn.gov.in/judis
IBC Laws | www.ibclaw.in

WEB COPY

merits. This Court heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

8.The brief facts leading to the filing of this Criminal Revision Case are that the respondent/complainant initiated proceedings against the petitioner for an offence under Section 138 of the Negotiable Instruments Act, 1881. The learned Judicial Magistrate, Fast Track Court No.I, Erode, by judgment dated 03.10.2017 in S.T.C.No.90 of 2016, convicted the petitioner and sentenced him to undergo simple imprisonment for six months and to pay compensation of Rs.5,00,000/-, in default to undergo simple imprisonment for one month.

9.Aggrieved by the said conviction and sentence, the petitioner preferred an appeal in C.A.No.279 of 2017 before the learned I Additional District and Sessions Judge, Erode. The petitioner contended that the cheques had been handed over to one Saravanan for the administration of a school run by a Trust, of which the petitioner and Saravanan were trustees, and that the said cheques had been misused by Saravanan in collusion with the respondent. He further contended that there was no legally enforceable debt between himself and the respondent and that the courts below had failed to properly appreciate the evidence, including the alleged discrepancies concerning the signatures on the cheques. The learned appellate Court, after considering the materials on record, dismissed the appeal by judgment dated 28.03.2024, confirming the conviction

https://www.mhc.tn.gov.in/judis
IBC Laws | www.ibclaw.in

WEB COPY

and sentence imposed by the trial Court. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case.

10.This Court has carefully considered the grounds raised by the petitioner and the judgments passed by both the courts below. The principal contention of the petitioner is that the cheques were not issued towards any legally enforceable debt due to the respondent and that the same had been misused by Saravanan. However, the courts below have considered the evidence available on record and arrived at concurrent findings regarding the petitioner's guilt. The grounds raised by the petitioner require consideration in the light of the evidence and the findings recorded by the courts below.

11.It is well settled that the revisional jurisdiction of this Court is limited and that the Court is not expected to reappreciate the entire evidence as though it were exercising appellate jurisdiction. Interference with concurrent findings is warranted only where there is a patent illegality, perversity or material irregularity warranting interference by this Court.

12.In the present case, the petitioner was granted suspension of sentence by this Court on 05.12.2024, subject to the condition that he deposit 50% of the cheque amount, namely, Rs.2,50,000/-. Despite the grant of sufficient time and a further extension till 10.09.2026, the petitioner failed to comply with the

https://www.mhc.tn.gov.in/judis
IBC Laws | www.ibclaw.in

WEB COPY

condition. Consequently, the order granting suspension of sentence was vacated by the Coordinate Bench of this Court on 11.09.2026, and the learned Magistrate was directed to secure the petitioner to undergo the sentence. The report of the learned Magistrate dated 08.10.2026 further indicates that the amount remains unpaid and that the Non-Bailable Warrant issued against the petitioner has not yet been executed.

13.Having considered the submissions made by the learned counsel for the petitioner, the grounds raised in the revision petition and the judgments of the courts below, this Court finds no sufficient ground warranting interference with the concurrent findings of conviction and sentence. The petitioner has not demonstrated any patent illegality or perversity in the judgments impugned herein. Accordingly, this Criminal Revision Case is liable to be dismissed.

14.In the result, this Criminal Revision Case is **dismissed**. The judgment dated 28.03.2024 passed by the learned I Additional District and Sessions Judge, Erode, in C.A.No.279 of 2017, confirming the judgment dated 03.10.2017 passed by the learned Judicial Magistrate, Fast Track Court No.I, Erode, in S.T.C.No.90 of 2016, is hereby **confirmed**. Consequently, the connected miscellaneous petition, if any, is closed.

https://www.mhc.tn.gov.in/judis
IBC Laws | www.ibclaw.in

WEB COPY

15.The learned Judicial Magistrate, Fast Track Court No.I, Erode, is directed to take immediate and appropriate steps in accordance with law to secure the presence of the petitioner/accused to undergo the sentence of imprisonment and to recover the compensation amount, if any, remaining unpaid.

16.Let a copy of this order be communicated by the Registry to the Court concerned for necessary compliance and information.

09-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SHA

https://www.mhc.tn.gov.in/judis
IBC Laws | www.ibclaw.in

Case Citation: (2026) ibclaw.in 6280 HC

WEB COPY

To

1.The I Additional District and Sessions Judge, Erode.

2.The LD JM , FTC NO.I, Erode.

https://www.mhc.tn.gov.in/judis
IBC Laws | www.ibclaw.in

WEB COPY

SHAMIM AHMED, J.

SHA

CRL RC No. 2017 of 2024

09-10-2026

https://www.mhc.tn.gov.in/judis
IBC Laws | www.ibclaw.in