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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.Nos.22917 & 22918 of 2025
in Crl.R.C.No.2611 of 2025**

R.K.Renuka

...Petitioner in both Crl.M.Ps

Versus

Kodeeswaran

...Respondent in both Crl.M.Ps

Prayer in Crl.M.P.No.22917 of 2025 in Crl.R.C.No.2611 of 2025:

This Criminal Miscellaneous Petition is filed under Sections 438(1) of BNSS, 2023 praying to suspend the sentence imposed on him by the learned III Additional District Judge, Erode District at Gobichettipalayam on the date of judgment dated 25.09.2025 in Crl.A.No.130 of 2017 in confirming the conviction and sentence passed by the learned Judicial Magistrate, Sathyamangalam in S.T.C.No.5312 of 2014 by judgment dated 29.04.2017 in respect of the offence under Section 138 of the Negotiable Instruments Act.



Prayer in Crl.M.P.No.22918 of 2025 in Crl.R.C.No.2611 of 2025:

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This Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023 praying to grant exemption of surrender of the petitioner herein before the learned III Additional District Judge, Erode District at Gobichettipalayam on the date of judgment dated 25.09.2025 in Crl.A.No.130 of 2017 in confirming the conviction and sentence passed by the learned Judicial Magistrate, Sathyamangalam in S.T.C.No.5312 of 2014 by judgment dated 29.04.2017 in respect of the offence under Section 138 of the Negotiable Instrument Act.

For Petitioner in both Crl.M.Ps : Mr.T.Shanmugam

COMMON ORDER

The Criminal Miscellaneous Petition No.22917 of 2025 has been filed by the petitioner seeking to suspend the sentence of imprisonment imposed on her by the learned Judicial Magistrate, Sathyamangalam vide Judgment dated 29.04.2017 in S.T.C.No.5312 of 2014 which was confirmed by the learned III Additional District Judge, Erode District, Gobichettipalayam vide Judgment dated 25.09.2025 in Crl.A.No.130 of 2017 and enlarge her on bail pending disposal of the present Criminal Revision Petition.



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2. The Criminal Miscellaneous Petition No.22918 of 2025 has been filed by the petitioner seeking to exempt her from surrendering before the learned III Additional District Judge, Erode District, Gobichettipalayam pursuant to the Judgment dated 25.09.2025 in CrI.A.No.130 of 2017, confirming the conviction and sentence imposed by the learned Judicial Magistrate, Sathyamangalam vide Judgment dated 29.04.2017 in S.T.C.No.5312 of 2014.

3. The petitioner is an accused in S.T.C.No.5312 of 2014 on the file of Judicial Magistrate Court, Sathyamangalam. The petitioner/accused was found guilty for commission of offence under Section 138 of the Negotiable Instruments Act, 1881. Therefore, the Trial Court vide Judgment dated 29.04.2017 in S.T.C.No.5312 of 2014, convicted the petitioner/accused and sentenced her to undergo 10 months simple imprisonment and to pay the cheque amount of Rs.20,00,000/- as compensation to the

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respondent/complainant, within a period of two months. Aggrieved by the said conviction and sentence, petitioner/accused had preferred a Criminal Appeal in Crl.A.No.130 of 2017 before the III Additional District Court, Erode District, Gobichettipalayam. However, 1st Appellate Court vide Judgment dated 25.09.2025, dismissed the said Criminal Appeal and confirmed the judgment of Trial Court. Hence, petitioner/accused has filed the present Criminal Revision Case before this Court.

4. The learned counsel for petitioner/accused submitted that petitioner/accused did not issue any cheque to respondent/complainant. The petitioner/accused had given the alleged cheque to one Mr.Sathishkumar (D.W.1) as a security for the business purpose. While so, the said cheque was stealthily taken over by the respondent/complainant and one Ravikumar. The petitioner/accused came to know about the alleged cheque only after he received the legal notice from respondent/complainant.



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4.1. It is further submitted by the learned counsel for petitioner/accused that respondent/complainant has misused the cheque which was given by petitioner/accused to D.W.1. There is no legally enforceable debt payable to respondent/complainant by the petitioner/accused.

4.2. The learned counsel for petitioner/accused also submitted that petitioner/accused has a fair chance of succeeding in the Criminal Revision Case and petitioner/accused is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on petitioner/accused may be suspended.

5. Considering the submissions made by learned counsel for petitioner/accused coupled with the quantum of punishment imposed on



petitioner/accused and taking into consideration of the fact that the Criminal

Revision is likely to be taken up for final hearing in the near future, this

Court is inclined to suspend the substantive sentence of imprisonment alone.

6. Accordingly, till the disposal of Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on following conditions:

(i) The petitioner/accused shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of S.T.C.No.5312 of 2014 on the file of Judicial Magistrate Court, Sathyamangalam, within a period of four weeks from the date of receipt of a copy of this order, failing which, this order shall stand automatically cancelled.

(ii) If petitioner/accused fails to deposit the aforesaid amount, it is open to the Trial Court to commit the petitioner/accused into custody for undergoing the sentence.

(iii) The sentence of imprisonment imposed on petitioner/accused shall be suspended on condition that she shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty



Five Thousand only) with two sureties, each for a likesum to the satisfaction of the learned Judicial Magistrate, Sathyamangalam;

(iv) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Trial Court may obtain a copy of their Aadhaar Card or Bank Pass Book and their mobile numbers to ensure their identity;

(v) The petitioner/accused shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Revision Case and if she is not able to appear before the Trial Court on any day, she shall make arrangements to file an application under Section 355 of BNSS, 2023 and shall appear before the Trial Court on any other day in lieu of her absence, as directed by the Trial Court.

7. On deposit of Rs.2,00,000/- being made by the petitioner/accused in S.T.C.No.5312 of 2014 on the file of Judicial Magistrate Court,



Sathyamangalam, respondent/complainant is permitted to withdraw the said amount, on proper identification, in the manner known to law.

8. With the above directions, Criminal Miscellaneous Petition No.22917 of 2025 is allowed. Consequently, Criminal Miscellaneous Petition No.22918 of 2025 is closed.

28.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

- 1.The Judicial Magistrate,
Sathyamangalam.
- 2.The III Additional District Judge,
Erode District, Gobichettipalayam.
- 3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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