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Crl.M.P.Nos.24394 & 24396 of 2025
in Crl.R.C.No.2805 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.24394 & 24396 of 2025

in

Crl.R.C.No.2805 of 2025

Mr.S.Arun
Prop. of M/s.Opera Knits
S/o.Shanmugasundham
D.No.655/1, Indra Nagar Palladam Road,
Tamil Nadu Theatre Back Side,
Tirupur – 641 604.

...Petitioner

-VS-

Mr.V.Chandrasekaran
S/o.R.Venkidusamy,
Partner of M/s.Kumaraguru Knitex,
D.No.17/1, Sakthi Rice Mill Compound,
Opp Kumara College, S.R.Nagar South,
Mangalam Road, Tirupur.

...Respondent

PRAYER in Crl.M.P.No.24394 of 2025: Criminal Miscellaneous Petition filed under Section 389 Cr.P.C. r/w 438 of BNSS, praying to suspend the sentence of conviction passed by the learned II Additional District and Sessions Judge, Tirupur in Criminal Appeal No.22 of 2020 dated 21.07.2025 and confirming the judgment dated 27.07.2020 made in the STC No.2636 of 2019 on the file of the



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Court of Fast Track Court at Magisterial Level, Tirupur against the petitioner pending disposal of the above Criminal Revision.

PRAYER in Crl.M.P.No.24396 of 2025: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to grant an order of exemption from surrendering before the trial Court pursuant to the judgment dated 21.07.2025 passed in C.A.No.22 of 2020 on the file of the II Additional District and Sessions Judge, Tirupur and confirming the judgment dated 27.07.2020 made in the S.T.C. No.2636 of 2019 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level, Tirupur.

For Petitioner : Mr.M.Sivakumar

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned II Additional District and Sessions Judge, Tirupur, in C.A.No.22 of 2020 dated 21.07.2025, confirming the judgment of the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Tirupur, convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo six months Simple Imprisonment and to pay compensation of Rs.2,53,768/-, in default, to undergo further Simple Imprisonment for one month. The instant petitions have been filed to suspend



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the sentence imposed on the petitioner and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the above revision.

2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.2,53,768/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'payment stopped by drawer'; 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 the petitioner has raised substantial grounds in the above revision; that the petitioner has rebutted the statutory presumption; that the judgment of the Courts below are liable to be set aside; and that, to show his bona fides, the petitioner is willing to deposit 50% of the cheque amount.

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



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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 50% of the cheque amount, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the Trial Court, subject to the following conditions:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit 50% of the cheque amount to the credit of S.T.C. No.2636 of 2019, on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Tirupur, 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 Case.

(iii) Thereafter, the sentence of imprisonment alone imposed on the petitioner/accused shall be suspended, on his executing a bond a bond for a sum of Rs.10,000/- with



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two sureties each for a likesum to the satisfaction of the Trial Court.

(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 a 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 that 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 above said amount, it is open to the Trial Court to commit the petitioner/accused into custody for undergoing the sentence.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

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SUNDER MOHAN, J.

sli

To

1.The II Additional District and Sessions Judge,

Tirupur.

2.The Judicial Magistrate,

Fast Track Court at Magisterial Level,

Tirupur.

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