



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 20242 of 2025

IN

CRL RC NO. 2214 OF 2025

ATULSHA

S/o.Ramaniklal Shah, Proprietor, Sree
Vijayalakshmi Spinners, 52-A,P.M.
Samy Colony 1st Street, R.S.Puram,
Coimbatore- 641 002.

Petitioner(s)

Vs

The Southern Textile Limited
Represented by its Finance Controller,
Mr.S.Subramanian aged 54 years,
S/o.Sivananthan, 18/19, Abdul Rahim
Road, Race Course, Coimbatore-18.

Respondent(s)

For Petitioner(s): Mr.C.Arunkumar

For Respondent:

**ORDER**

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The petitioner has filed this petition to Suspend the sentence of conviction order passed in C.C.No.32 of 2022 on the file of the Judicial Magistrate Fast Tract No-I (Magistrate Level), Coimbatore, dated 29.01.2025, and confirmed in Crl.A.No.76 of 2022 on the file of the I Additional District and Sessions Judge, Coimbatore, dated 08.09.2025.

2. The petitioner herein is the accused in CC.No.32 of 2022, on the file of the learned Judicial Magistrate Fast Tract No-I (Magistrate Level), Coimbatore. He was found guilty of the offence under Sections 138 Negotiable Instruments Act and convicted under section 255(2) Cr.P.C.. The accused is sentenced to undergo 9 months simple imprisonment and to pay Rs.20,54,698 (Rupees Twenty Lakhs Fifty Four Thousand Six hundred and ninety eight only) as compensation to the complainant within a period of one month, in default to undergo 2 months simple imprisonment. Aggrieved by the same, the petitioner had filed appeal in Crl.A.No.76 of 2025 before the learned I Additional District and Sessions Judge, Coimbatore. The learned trial Judge had dismissed the



appeal and confirmed the conviction and sentence passed by the trial court, against which the present revision has been filed.

3. The learned counsel for the petitioner submitted that the defacto complainant / respondent had filled in the cheque for double the actual amount, and as on date, there is no legally enforceable debt between the petitioner and the respondent. In spite of the evidence and documents produced by the petitioner, the trial Judge failed to properly appreciate the same and erroneously convicted him. The petitioner submits that he has a valid defence in this regard.

4. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner, further this Criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal appeal, the reliefs of suspension of sentence and bail are granted on the



following conditions:

(a) the petitioner is directed to deposit a sum of Rs.3,00,000/- to the credit of C.C.No.32 of 2022, on the file of the Judicial Magistrate Fast Tract No-I (Magistrate Level), Coimbatore, within a period of four weeks from the date of receipt of a copy of this order.

(b) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, in which one surety shall be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate Fast Tract No-I (Magistrate Level), Coimbatore.

(c) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(d) The petitioner shall report before the respondent police on every Sunday at 10.30 a.m, and also shall appear before the Trial Court on every Saturday at 10.30 a.m., until the disposal of the Criminal Appeal 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 355 of BNSS, 2023. 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.



(e) the defacto complainant is permitted to withdraw the amount, deposited by the petitioner, in C.C.No.32 of 2022, on the file of the Judicial Magistrate Fast Tract No-I (Magistrate Level), Coimbatore, upon filing an undertaking affidavit, including the amount already deposited earlier by the petitioner.

5. With the above directions, this Criminal Miscellaneous Petition is ordered.

31-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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Mr.S.Subramanian aged 54 years,
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2. The Judicial Magistrate Fast Tract
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T.V.THAMILSELVI J.
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