



Crl.M.P.Nos.24243 & 24244 of 2025
in Crl.R.C.No.2776 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.24243 & 24244 of 2025
in
Crl.R.C.No.2776 of 2025

C.Prabakaran

...Petitioner

-VS-

1.State Represented by
The Public Prosecutor,
High Court, Madras,
High Court Buildings,
Chennai – 600 104.

2.K.R.Govindaraju

...Respondents

PRAYER in Crl.M.P.No.24243 of 2025: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, praying to suspend the sentence of imprisonment of nine months imposed by the learned Judicial Magisterial, Fast Track Court at Magisterial Level-I, Coimbatore, vide judgment made in C.C.No.389 of 2017 dated 07.07.2022 and confirmed by the learned III Additional District and Sessions Judge, Coimbatore, vide judgment made in C.A.No.62 of 2022 dated 04.04.2025 and release the petitioner on bail and pass such further orders.

1/6



Crl.M.P.Nos.24243 & 24244 of 2025
in Crl.R.C.No.2776 of 2025

PRAYER in Crl.M.P.No.24244 of 2025: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt the petitioner from surrendering before the learned Judicial Magistrate, Fast Track Court at Magisterial Level-I, Coimbatore, pursuant to the conviction and sentence imposed in C.C.No.389 of 2017 vide judgment dated 07.07.2022 and confirmed by the learned III Additional Sessions Judge, Coimbatore, vide judgment made in C.A.No.62 of 2022 dated 04.04.2025.

For Petitioner : Mr.M.R.Thangavel
For R1 : Dr.C.E.Pratap,
Government Advocate (Crl.Side)

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned III Additional Sessions Judge, Coimbatore, in C.A.No.62 of 2022 dated 04.04.2025, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo nine months Simple Imprisonment and to pay compensation of Rs.8,25,000/-, in default, to undergo further Simple Imprisonment for two months. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the above revision.



Crl.M.P.Nos.24243 & 24244 of 2025
in Crl.R.C.No.2776 of 2025

WEB COPY

2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.5,50,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'Payment Stopped by the 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 40% of the cheque amount.

4. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.Side) 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



Crl.M.P.Nos.24243 & 24244 of 2025
in Crl.R.C.No.2776 of 2025

require consideration, and the fact that the petitioner is willing to deposit 40% 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 40% of the cheque amount to the credit of C.C.No.389 of 2017 on the file of the learned Judicial Magisterial, Fast Track Court at Magisterial Level-I, Coimbatore, 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 two sureties each for a likesum to the satisfaction of the Trial Court.



Crl.M.P.Nos.24243 & 24244 of 2025
in Crl.R.C.No.2776 of 2025

(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

17.12.2025
(2/2)

cda
5/6



WEB COPY



Crl.M.P.Nos.24243 & 24244 of 2025
in Crl.R.C.No.2776 of 2025

SUNDER MOHAN, J.

cda

To

- 1.The III Additional District and Sessions Judge, Coimbatore.
- 2.The Judicial Magisterial,
Fast Track Court at Magisterial Level-I, Coimbatore,
- 3.The Public Prosecutor,
High Court, Madras.

Crl.M.P.Nos.24243 & 24244 of 2025
in
Crl.R.C.No.2776 of 2025

17.12.2025
(2/2)