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Crl.MP Nos.23213 & 23214 of 2025
in Crl.RC No.2649 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

**CRL MP Nos.23213 & 23214 of 2025
IN CRL RC NO.2649 of 2025**

S.Ragupathi

Petitioner

Vs

S.Rajeswari

Respondent(s)

For Petitioner (s): Mr.K.Sudhakar

ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned II Additional District and Sessions Judge, Tiruppur, in C.A.No.132 of 2024 dated 10.10.2025, 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 six months simple imprisonment and compensation for a sum of Rs.6,00,000/- and in default in fine to undergo one month simple imprisonment. The instant petitions have been filed to suspend the sentence



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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.6,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'Insufficient Funds'; 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 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 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/accused is directed to deposit 40% of the cheque amount i.e., Rs.2,40,000/- [Rupees Two Lakhs Forty 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 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 her executing a bond a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned **Judicial Magistrate (Fast Track Court), Tiruppur ;**



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(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 every month at 10.30 a.m. until the disposal of the revision 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 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of her absence, as directed by the trial Court; and

(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, these Criminal Miscellaneous Petitions are ordered.

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SUNDER MOHAN, J.

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To

The Judicial Magistrate (Fast Track Court), Tiruppur

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