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Crl.M.P.Nos.23457 & 23456 of 2025

in Crl.R.C.No.2679 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.Nos.23457 & 23456 of 2025

in

Crl.R.C.No.2679 of 2025

C.Sivanandhan

... Petitioner/Accused

Vs.

1. State Rep. by The Public Prosecutor,
High Court, Madras.

2. S.Sivaseelan

... Respondents/Respondents

PRAYER : Criminal Miscellaneous Petitions filed under Sections 528 and 430 of BNSS, to suspend the sentence imposed in Crl.A.No.162 of 2024 dated 29.08.2025 on the file of the learned V Additional District and Sessions Judge at Coimbatore, confirming the judgment in C.C.No.337 of 2017 dated 29.01.2024 on the file of the learned Judicial Magistrate Court, Fast Tract Court at Magistrate Level - I, Coimbatore and to also to exempt her from surrendering before the trial Court, pending disposal of the Criminal Revision Case.



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For petitioner : Mr.M.R.Thangavel

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner/Accused by judgment dated 29.01.2024 passed in C.C.No.337 of 2017 by the learned Judicial Magistrate Court, Fast Tract Court at Magistrate Level - I, Coimbatore and confirmed vide judgment dated 29.08.2025 in C.A.No.162 of 2024, by the learned V Additional District and Sessions Judge at Coimbatore.

2. It is the case of the respondent/complainant that towards the discharge of petitioner's liability, he had issued a cheque for a sum of Rs.5,00,000/- and when the said cheque was presented for encashment, the same was returned unpaid for the reason 'funds insufficient' and despite statutory notice, the petitioner had not paid the cheque amount.



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3. The petitioner/Accused was convicted by the trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for nine months and to pay Rs.10,00,000/- as compensation to the complainant and in default to undergo simple imprisonment for a further period of two months.

4. Challenging the above conviction and sentence, the petitioner/Accused preferred Crl.A.No.162 of 2024. The appellate Court, vide judgment dated 29.08.2025 confirmed the judgment of conviction and sentence passed by the trial Court.

5. Aggrieved by the same the petitioner/accused has preferred Crl.R.C.No.2679 of 2025 and pending revision has sought for suspension of sentence and to exempt him from surrendering him before the trial Court, in these Criminal Miscellaneous Petitions.



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6. The learned counsel for the petitioner/accused submitted that the

petitioner had raised substantial grounds in the revision, which require consideration; that the subject cheque has been obtained from police station and the same cannot be construed to be issued towards legally enforceable debt; and that to show his *bona fides*, he is willing to deposit a sum of Rs.2,00,000/-; and prayed for suspension of sentence and to exempt him from surrendering before the trial Court.

7. Considering the fact that there are arguable points raised in the revision; that the revision is not likely to be taken up in the near future; and that the petitioner/Accused is willing to deposit a sum of Rs.2,00,000/-, this Court is inclined to suspend the sentence imposed on the petitioner herein/Accused and also exempt him from surrendering before the trial Court.

8. Accordingly, this Criminal Miscellaneous Petitions are allowed



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and till the disposal of the Criminal Revision case, the sentence imposed

upon the petitioner/Accused by the trial Court, is suspended and he is

exempted from surrendering before the trial Court, on the following

conditions:

(i) The petitioner/Accused shall deposit a sum of Rs.2,00,000/- [Rupees two lakhs Only), to the credit of C.C.No.337 of 2017 on the file of the learned Judicial Magistrate Court, Fast Tract Court at Magistrate 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 Cases;

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



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sureties each for a likesum to the satisfaction of the learned
Judicial Magistrate Court, Fast Tract Court at Magistrate
Level - I, Coimbatore;

(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, 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 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



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commit the petitioner/accused into custody for undergoing

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08.12.2025

vrc

Issue order copy by ..12.2025.

Upload the order copy forthwith.

To

1. The V Additional District and Sessions Judge,
Coimbatore
2. The Judicial Magistrate Court,
Fast Tract Court at Magistrate Level - I,
Coimbatore



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SUNDER MOHAN, J.

VRC

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