

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.M.P.Nos.23432 & 23435 of 2025

in

CrI.R.C.No.2678 of 2025

Nithya

... Petitioner/Accused

Vs.

Thangamani

...

Respondent/Respondent

PRAYER : Criminal Miscellaneous Petitions filed under Sections 528 and 430 of BNSS, to suspend the sentence imposed in CrI.A.No.37 of 2024 dated 29.10.2025 on the file of the learned Additional District and Sessions Judge, Athur, confirming the judgment in STC.No.123 of 2023 dated 31.01.2024 on the file of the learned Judicial Magistrate Court, Fast Track Court, Athur and to also to exempt her from surrendering before the trial Court, pending disposal of the Criminal Revision Case.

For petitioner : Mr.J.Hasheem Sindha Batcha

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner/Accused by judgment dated 31.01.2024 passed in STC.No.123 of 2023 by the learned Judicial

Magistrate Court, Fast Tract Court, Athur and confirmed vide judgmentk dated 29.10.2025 in C.A.No.37 of 2024, by the learned Additional District and Sessions Judge, Athur.

2. It is the case of the respondent/complainant that the accused borrowed a sum of Rs.3,70,000/- from the complainant on 20.05.2020 and issued a cheque dated 06.07.2020 for the said sum towards discharge of the said liability. When the cheque was presented for encashment, the same has been returned for the reason 'funds insufficient'. Inspite of the statutory notice, the petitioner did not pay the cheque amount.

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 six months and to pay Rs.3,70,000/- as compensation to the complainant and in default to undergo simple imprisonment for a further period of one month.

4. Challenging the above conviction and sentence, the petitioner/Accused preferred Crl.A.No.37 of 2024. The appellate Court,

vide judgment dated 29.10.2025 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.2678 of 2025 and pending revision has sought for suspension of sentence and exemption from surrendering before the trial Court in these Criminal Miscellaneous Petitions.

6. The learned counsel for the petitioner/accused submitted that the petitioner had raised substantial grounds in the revision, which require consideration; that the petitioner had already deposited Rs.75,000/- at the time of appeal and that to show his *bona fides*, he is willing to deposit a further sum of Rs.75,000/-; and prayed for suspension of sentence and to exempt her 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 further sum of Rs.75,000/-, this Court is inclined to suspend the sentence imposed on the petitioner herein/Accused and also exempt her from surrendering before the trial Court.

8. Accordingly, this Criminal Miscellaneous Petitions are allowed and till the disposal of the Criminal Revision case, the sentence imposed upon the petitioner/Accused by the trial Court, is suspended and she is exempted from surrendering before the trial Court, on the following conditions:

(i) The petitioner/Accused shall deposit a sum of Rs.75,000/- [Rupees seventy five thousand Only), to the credit of STC.No.123 of 2023 on the file of the learned Judicial Magistrate Court, Fast Track Court, Athur , 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 her executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate Court, Fast Track Court, Athur;

(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 commit the petitioner/accused into custody for undergoing the sentence.

08.12.2025

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Issue order copy by 09..12.2025.

Upload the order copy forthwith.

To

1. The Additional District and Sessions Judge,
Athur.
2. The Judicial Magistrate Court,
Fast Track Court, Athur

SUNDER MOHAN, J.

vrc

Crl.M.P.Nos.23432 & 23435 of 2025
in Crl.R.C.No.2678 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P. Nos. 23432 & 23435 of 2025

in

Crl.R.C. No. 2678 of 2025

Nithya,
W/o. Kathiresh Kumar,
Residing at No.21B, Perumal Street,
Opp. Government Hospital,
Valappadi Taluk,
Salem District - 636 115.

..Petitioner

Vs.

Thangamani,
S/o. Paramasivam,
L-283, Pudhu Veettu Vasathi Variyam,
Narasingapuram Post, Attur Taluk,
Salem District – 636 102.

..Respondent

For Petitioner :: Mr.J. Hasheem Sindha Batcha

O R D E R

The matter has been listed under the caption “ For Being
Mentioned”.

2. It is submitted by the learned counsel for the petitioner that due to
inadvertence, the year of the case before the Trial Court has been wrongly
mentioned as 2023 instead of 2020 in the order dated 08.12.2025,

SUNDER MOHAN,J.

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i.e., it has been mentioned as S.T.C. No. 123 of 2023 instead of S.T.C. No. 123 of 2020 and hence, the learned counsel would request that the same may be rectified.

3. Considering the submission made by the learned counsel for the petitioner, the year of the case before the Trial Court shall read as S.T.C. No. 123 of 2020 instead of S.T.C. No. 123 of 2023 wherever it finds place in the order dated 08.12.2025.

4. Registry is directed to carry out necessary corrections, as aforesaid, in the order dated 08.12.2025 and issue fresh order copy forthwith.

07.01.2026

nv

To

1. The Additional District and Sessions Judge,
Athur.
2. The Judicial Magistrate Court,
Fast Track Court, Athur.

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& 23435 of 2025
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