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Crl.M.P.No.24083 of 2025
in Crl.R.C.No.2757 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.No.24083 of 2025

in

Crl.R.C.No.2757 of 2025

1.P.Umashankar
2.S.Umamaheswari

...Petitioners

-VS-

1.Saravan Distributors,
Rep. By its Partner Mr.S.Senguttuvan,
No.25, Veerabathra Street II,
Sakthi Road, Erode – 3,
by his Power of Attorney Holder/Manager,
M.Sundaralingam,
S/o.A.V.Marimuthu,
85/2 K.A.S.Nagar, 3rd Street,
Erode-3.

2.M.P.Shan Tex Pvt. Ltd.,
Rep. By its Managing Director,
P.Umashankar,
S.F.No.145/1A/1A,
Parapalayam Road,
Near Amman Koil,
Mannarai (PO),
Tiruppur – 64107.

...Respondent



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PRAYER: Criminal Miscellaneous Petition filed under Sections 438(1) of BNSS Act, praying to suspend the execution of sentence imposed on the petitioners in Crl.A.No.31 of 2017 dated 28.07.2025 by the learned II Additional District and Sessions Judge, Erode, by confirming the judgment in STC.No.233 of 2016 dated 04.01.2017 passed by the learned Fast Tract Court -I at Magisterial Level, Erode, and enlarge the petitioners on bail, pending disposal of the above Criminal Revision Petition.

For Petitioners : Mr.Vaibhav R Venkatesh

ORDER

These petitioners have preferred the above revision challenging the judgment passed by the learned II Additional District and Sessions Judge, Erode, in Crl.A.No.31 of 2017 dated 28.07.2025, confirming the judgment of the learned Magistrate convicting the petitioners for the offence under Section 138 of the Negotiable Instruments Act, and sentenced them to undergo nine months Simple Imprisonment and to pay compensation of Rs.45,63,401/-, in default, to undergo further Simple Imprisonment for three months. The instant petition has been filed to suspend the sentence imposed on the petitioners.



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2. It is the case of the respondents that the petitioners had issued cheques for a sum of Rs.45,63,401/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'Funds Insufficient'; that in spite of the statutory notice, the petitioners did not make the payment; and hence liable for the said offence.

3. The learned counsel for the petitioners would submit that the petitioners have raised substantial grounds in the above revision; that the petitioners have rebutted the statutory presumption; that the judgment of the Courts below are liable to be set aside; and that, to show their bona fides, the petitioners are willing to deposit Rs.10,00,000/-.

4. Heard the learned counsel for the petitioners and perused the materials available on record.

5. Having regard to the submission made by the learned counsel for the petitioners that there are substantial grounds raised in the above revision which require consideration, and the fact that the petitioners are willing to



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deposit Rs.10,00,000/- (Rupees Ten Lakhs only), this Court is inclined to suspend the sentence imposed on the petitioners, subject to the following conditions:

(i) The petitioners/Accused shall deposit Rs.10,00,000/- (Rupees Ten Laksh only) to the credit of S.T.C.No.233 of 2016 on the file of the learned Fast Track Court – I at Magisterial Level, Erode, 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 petitioners/Accused shall be suspended, on they executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Fast Track Court – I at Magisterial Level, Erode ;

(iv) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and



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the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(v) The petitioners 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 he 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 his absence, as directed by the Trial Court; and

(vi) On the failure of the petitioners/Accused, depositing the said amount, it is open to the Trial Court to commit the petitioners/accused into custody for undergoing the sentence.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

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Tsg



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To

- 1.The Fast Track Court – I at Magisterial Level,
Erode.
- 2.The II Additional District and Sessions Judge,
Erode.



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SUNDER MOHAN, J.

Tsg

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