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Crl.M.P. Nos. 450 & 470 of 2026
in
Crl.R.C. No. 66 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P. Nos. 450 & 470 of 2026

in

Crl.R.C. No. 66 of 2026

1. Amutha K.,
W/o. Late Janakaraj,
1/39, Sambandar Street,
Naalvar Layout,
Coimbatore – 641 027.

2. Ranganayaki,
W/o. Ramasamy,
166 G, New Mullai Nagar,
2nd Rajiv Gandhi Street,
Ganapathy, Coimbatore – 641 006.

..Petitioners

Vs.

Kannan M.,
S/o. Murugesan,
Door No.18, Paal Mariamman Temple Street,
Thillai Nagar 3rd Street,
Kannapa Nagar, Coimbatore.

..Respondent



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Prayer in Crl.M.P. No. 450 of 2026: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS to suspend the sentence imposed on the petitioners by judgment dated 24.11.2025 passed in Crl.A. No. 159 of 2025 by the V Additional District and Sessions Court, Coimbatore, confirming the judgment dated 29.05.2025 passed in C.C. No. 789 of 2013 by the learned Judicial Magistrate II, Coimbatore, pending disposal of the criminal revision petition.

Prayer in Crl.M.P. No. 470 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS to exempt the petitioners from surrendering before the Trial Court pursuant to the judgment dated 24.11.2025 passed in Crl.A. No. 159 of 2025 by the V Additional District and Sessions Court, Coimbatore, confirming the judgment dated 29.05.2025 passed in C.C. No. 789 of 2013 by the learned Judicial Magistrate II, Coimbatore pending disposal of the criminal revision petition.

For Petitioners :: Mr.T. Saikrishnan



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Crl.M.P. Nos. 450 & 470 of 2026
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O R D E R

The petitioners have preferred the above revision challenging the judgment dated 24.11.2025 passed in Crl.A. No. 159 of 2025 by the V Additional District and Sessions Court, Coimbatore, confirming the judgment dated 29.05.2025 passed in C.C. No. 789 of 2013 by the learned Judicial Magistrate II, Coimbatore convicting the petitioners for the offence under Section 420 IPC and sentencing each one of them to undergo simple imprisonment for a period of one year and to pay fine of Rs.10,000/- each carrying a default sentence of simple imprisonment for one month. The instant petitions have been filed to suspend the sentence imposed on the petitioners and to exempt the petitioners from surrendering before the Trial Court, pending disposal of the above revision.

2. The gist of the prosecution case is that the petitioners deceived the respondent herein, received a sum of Rs. 5,00,000/- initially and thereafter, a further sum of Rs.5,00,000/- by making false representation that if the respondent invested in their business, they would return the same in



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WEB COPY

six month's time with huge profits and that the petitioners neither returned the money invested nor paid any profit amount.

3. The learned counsel for the petitioners would submit that the allegation against the petitioners, at the most, can amount to breach of promise and not deception; that the petitioners and the respondent had entered into a Memorandum of Understanding and therefore, there is no question of false representation and that the petitioners, to show their bona fides, are willing to deposit a sum of Rs.2 lakhs.

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 deposit Rs.2 lakhs, this Court is inclined to grant suspension of sentence to the petitioners and exempt them from surrendering before the



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Trial Court, pending disposal of the criminal revision petition, subject to the following conditions:

(i) The petitioners are ordered to be enlarged on bail, on condition that the petitioners deposit a total sum of Rs.2 lakhs (Rupees Two Lakhs only) to the credit of C.C. No. 789 of 2013 on the file of learned Judicial Magistrate II, 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 petitioners shall be suspended, on each one of them executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the Trial Court.



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(iv) The petitioners 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 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 they are not able to appear before the Trial Court on that day, they 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 their absence as directed by the Trial Court.

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

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

Neutral Citation: Yes/No

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2/2

To

1. The V Additional District and Sessions Court,
Coimbatore.
2. The Judicial Magistrate II, Coimbatore.
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SUNDER MOHAN,J.

nv

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