



Crl.M.P. No. 220 of 2026
in
Crl.R.C. No. 32 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P. No. 220 of 2026

in

Crl.R.C. No. 32 of 2026

Mrs. P. Sivakami,
W/o. Panneerselvam,
No.1, Ellammal Layout,
Ondipudur, Coimbatore.

..Petitioner

Vs.

Mr.K. Kesavan (Died).

1. Mrs. Radha,
W/o. Late K. Kesavan,
6/3A, Extension Street,
Bharathipuram,
Pallapalayam Village,
Coimbatore.

2. State rep. By its
Public Prosecutor,
Coimbatore.

..Respondents



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Prayer: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS to suspend the sentence of imprisonment/conviction imposed by judgment dated 28.08.2025 in C.A. No. 58 of 2022 passed by the learned V Additional District and Sessions Judge, Coimbatore, confirming the conviction and sentence imposed by judgment dated 12.07.2022 passed in C.C. No. 947 of 2017 by the learned Judicial Magistrate, Sulur, Coimbatore and enlarge the petitioner on bail pending disposal of the above revision petition.

For Petitioner :: Mr. Samjayaraj Houston
 for
 M/s. Sarvabhauman Associates

For Respondent :: Mr.R. Vinothraja,
 Govt. Advocate (Crl. Side)
 for R2.

O R D E R

The petitioner has preferred the above revision challenging the judgment dated 28.08.2025 passed by the learned V Additional District and Sessions Judge, Coimbatore, in Crl.A. No. 58 of 2022 confirming the judgment dated 12.07.2022 passed in C.C. No. 947 of 2017 by the learned Judicial Magistrate, Sulur, Coimbatore, convicting the petitioner for the



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offence under Section 138 of the Negotiable Instruments Act, and sentencing her to undergo simple imprisonment for a period of six months and to pay compensation of Rs.3,40,000/- carrying a default sentence of simple imprisonment for one month. The instant petition has been filed to suspend the sentence imposed on the petitioner pending disposal of the above revision.

2. It is the case of the *de facto* complainant that the petitioner had issued a cheque for a sum of Rs.3,40,000/- 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 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 her bona fides, the petitioner is willing to deposit 20% of the cheque amount.



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

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 20% of the cheque amount, this Court is inclined to grant suspension of sentence and release the petitioner on bail subject to the following conditions:

(i) The petitioner is ordered to be enlarged on bail on condition that the petitioner deposits 20% of the cheque amount to the credit of C.C. No. 947 of 2017 on the file of the learned Judicial Magistrate, Sulur, Coimbatore, forthwith;

(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



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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 for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the Trial Court.

(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 that 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.

(vi) On the failure of the petitioner/accused, depositing the above said amount, it is open to the Trial



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Court to commit the petitioner/accused into custody for undergoing the sentence.

SUNDER MOHAN,J.

nv

6. The criminal miscellaneous petition is ordered accordingly.

07.01.2026

nv

(Note to Office: Issue order copy today

(07.01.2026)

To

1. The V Additional District and Sessions Judge, Coimbatore.
2. The Judicial Magistrate, Sulur, Coimbatore.
3. The Superintendent, Central Prison, Coimbatore.
4. The Public Prosecutor, High Court, Madras.

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