



Crl.M.P. Nos. 683 & 879 of 2026
in
Crl.R.C. No. 119 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P. Nos. 683 & 879 of 2026

in

Crl.R.C. No. 119 of 2026

Alamelu,
W/o. Thiravidamani,
Velur Thatchar Street,
North Street,
Thiruthuraipoondi Taluk,
Thiruvarur District.

..Petitioner

Vs.

1. Uma
W/o. Mathiyazhagan,
Vandiayar Street,
Edaiyur,
Thiruthuraipoondi Taluk,
Thiruvarur District.

2. The Public Prosecutor,
Thiruvarur.

..Respondents



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Prayer in Crl.M.P. No. 683 of 2026: Criminal Miscellaneous Petition

filed under Section 438(1) of BNSS to suspend the sentence imposed on the petitioner by judgment dated 07.10.2025 passed in Crl.A. No. 20 of 2025 by the learned Principal District and Sessions Judge, Thiruvarur, confirming the conviction and sentenced imposed by judgment dated 31.01.2025 in STC No. 95 of 2022 by the learned FTC Judicial Magistrate, Thiruthuraipoondi, pending disposal of the criminal revision petition.

Prayer in Crl.M.P. No. 879 of 2026: Criminal Miscellaneous Petition filed under Section 528 BNSS to exempt the petitioner from surrendering pursuant to the judgment dated 07.10.2025 passed in Crl.A. No. 20 of 2025 by the learned Principal District and Sessions Judge, Thiruvarur, confirming the conviction and sentence imposed by judgment dated 31.01.2025 in STC No. 95 of 2022 by the learned FTC Judicial Magistrate, Thiruthuraipoondi, pending disposal of the criminal revision petition.

For Petitioner :: Mr.G. Munuraj

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



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COMMON ORDER

The petitioner has preferred the above revision challenging the judgment 07.10.2025 passed in Crl.A. No. 20 of 2025 by the learned Principal District and Sessions Judge, Thiruvarur, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing her to undergo simple imprisonment for two years and to pay compensation of Rs.3,00,000/- carrying a default sentence of simple imprisonment for six months. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the above revision.

2. It is the case of the 1st respondent that the petitioner had issued a cheque for a sum of Rs.3,00,000/- 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.



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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 50% of the cheque amount.

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 50% of the cheque amount, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the Trial Court, pending disposal of the revision, subject to the following conditions:

- (i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit 50%



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of the cheque amount to the credit of STC.No. 95 of 2022 on the file of learned Judicial Magistrate, Fast Track Court, Thiruthuraipoondi 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 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;



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

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

22.01.2026

Neutral Citation: Yes/no

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To

1. The Judicial Magistrate, FTC,
Thiruthuraipoondi.
2. The Principal District and Sessions Judge,
Tiruvarur.
3. The Public Prosecutor, Tiruvarur.
4. The Public Prosecutor, High Court,
Madras.



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SUNDER MOHAN,J.

nv

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