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Crl.M.P. No. 1980 of 2026
in
Crl.R.C. No. 281 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2026

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P. No. 1980 of 2026
in
Crl.R.C. No. 281 of 2026

A. Jafar Ali

..Petitioner

Vs.

M/s. Arjun Amaravathi Chits (P) Ltd.,
rep. By its Authorized Signatory,
Sathyaseelan,
D. No. 502, 100 Feet Road,
Gandhipuram, Coimbatore 641 012.

...Respondent

PRAYER in Crl.M.P.No.1980 of 2026: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS to suspend the sentence imposed on the petitioner by judgment dated 07.07.2023 passed in C.C. No. 193 of 2013 by the learned Judicial Magistrate, FTC I, Coimbatore District which was partly modified by judgment dated 20.11.2025 passed in Crl.A. No.248 of 2023 by the learned V Additional District & Sessions Judge, Coimbatore, pending disposal of the revision.



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For Petitioner : Mr.C.D. Sugumar

ORDER

The petitioner has preferred the above revision challenging the judgment dated 20.11.2025 passed in Crl.A. No. 248 of 2023 by the learned V Additional District and Sessions Judge, Coimbatore, by which the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing him to undergo simple imprisonment for a period of nine months and to pay compensation of Rs. 1,53,200/-, in default, to undergo simple imprisonment for two months, was modified to the effect that the petitioner shall pay compensation of Rs.2,00,000/- and in default, to undergo simple imprisonment for a period of three months. 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 respondent that the petitioner had issued a cheque for a sum of Rs. 76,600/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason



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‘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 his bona fides, the petitioner is willing to deposit a sum of Rs.1 lakh.

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 a sum of Rs.1,00,000/-, this Court is inclined to grant suspension of sentence, pending disposal of the revision, subject to the following conditions:



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(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of C.C. No. 193 of 2013 on the file Judicial Magistrate Fast Track Court I, 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 petitioner/accused shall be suspended, on his 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



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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 he is not able to appear before the Trial Court on that 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.

(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, this criminal miscellaneous petition is ordered.

09.02.2026
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To

1. The V Addl. District and Sessions Judge,
Coimbatore.

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SUNDER MOHAN,J.

nv

2. The Judicial Magistrate, FTC No.1,
Coimbatore.

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