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Crl.M.P.No.2441 of 2026
in Crl.RC.No.332 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.2441 of 2026
in Crl.RC.No.332 of 2026

Dasappan

... Petitioner /Petitioner

Vs.

1.M.Thangavelu

... 1st Respondent/Complainant

2.The State Rep.
Public Prosecutor,
Coimbatore.

... 2nd Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430 and 528 of BNSS Act, 2023 praying to suspend the sentence of 06 (six) months simple imprisonment imposed upon the Petitioner by the Judicial Magistrate, Fast Track Court at Magisterial Level II, Coimbatore in C.C.No.1497 of 2018 vide Judgment dated 01.03.2021 and confirmed by the III Additional District and Sessions Judge, Coimbatore vide Judgment dated 25.10.2015 in Crl.A.No.108/2021, pending disposal of the above Criminal Revision Case.

For Petitioner

: Mr.N.Ramakrishnan

for ARK Law Associates

For R1

: Mr.R.Vinothraja,

Government Advocate (Crl. Side)



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Crl.M.P.No.2441 of 2026
in Crl.RC.No.332 of 2026

ORDER

The petitioner has preferred the above revision challenging the judgment dated 25.10.2025 passed by the learned III Additional District and Sessions Judge, Coimbatore, in Crl.A.No.108 of 2021 confirming 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 six months and to pay a sum of Rs.25,00,000/- to the complainant as compensation, along with interest at the rate of 6% from the date of cheque within one month, in default, to undergo three months simple imprisonment. The instant petition has been filed to suspend the sentence imposed on the petitioner.

2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.25,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned stating 'Payment stopped by Drawer'; that in spite of the statutory notice, the petitioner did not make the payment; and hence liable for the said offence.



Crl.M.P.No.2441 of 2026
in Crl.RC.No.332 of 2026

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 Rs.7,50,000/-.

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 Rs.7,50,000/-, this Court is inclined to suspend the sentence imposed on the petitioner, subject to the following conditions:

(i) The petitioner/Accused shall deposit Rs.7,50,000/- (Rupees Seven Lakhs and Fifty Thousand only) to the credit of C.C. No. 1497 of 2018 on the file of learned Judicial Magistrate, Fast Track Court at Magistrate Level II, Coimbatore within a period of four weeks from the date of receipt of a copy of this order;



Crl.M.P.No.2441 of 2026
in Crl.RC.No.332 of 2026

WEB COPY

(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 learned Judicial Magistrate, Fast Track Court at Magistrate Level II, Coimbatore;

(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 any 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; and



Crl.M.P.No.2441 of 2026
in Crl.RC.No.332 of 2026

WEB COPY

(vi) On the failure of the petitioner/Accused, depositing the 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.

16.02.2026
(2/2)

Tsg

To

- 1.The Metropolitan Magistrate,
Fast Track Court at Magisterial Level – II,
Coimbatore.
- 2.The III Additional District and Sessions Judge,
Coimbatore.



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Crl.M.P.No.2441 of 2026
in Crl.RC.No.332 of 2026

SUNDER MOHAN, J.

Tsg

Crl.M.P.No.2441 of 2026
in Crl.RC.No.332 of 2026

16.02.2026
(2/2)