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Crl.M.P.Nos.1168 and 1169 of 2026
in Crl.R.C.No.178 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2026

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.1168 and 1169 of 2026
in
Crl.R.C.No.178 of 2026

Amala @ Alamelu

...Petitioner

-VS-

1.Selvi

2.The Public Prosecutor,
Thiruvarur.

...Respondents

PRAYER in Crl.M.P.No.1168 of 2026: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, praying to suspend the sentence imposed in C.A.No.21 of 2025 passed on 07.10.2025 on the file of the learned Principal District and Sessions Judge, Thiruvarur, conforming the conviction and sentence made in STC.No.105 of 2022 passed on 31.01.2025 passed by the learned Judicial Magistrate (Fast Track Court), Thiruthurapoondi, still disposal of the criminal revision case.

PRAYER in Crl.M.P.No.1169 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt the petitioner from surrendering

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pursuant to the judgment in Crl.A.No.21 of 2025 passed on 07.10.2025 on the file of the learned Principal District and Sessions Judge, Thiruvarur, conforming the conviction and sentence made in STC.No.105 of 2022 passed on 31.01.2025 passed by the learned Judicial Magistrate (Fast Track Court), Thiruthurapoondi, pending disposal of the above criminal revision petition.

For Petitioner : Mr.G.Munuraj
For R2 : Mr.R.Vinoth Raja,
Government Advocate (Crl.Side)

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned Principal District and Sessions Judge, Thiruvarur, in C.A.No.21 of 2025 dated 07.10.2025, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced her to undergo two years Simple Imprisonment and to pay compensation of Rs.4,00,000/-, in default, to undergo further 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.



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2. It is the case of the first respondent that the petitioner had issued a cheque for a sum of Rs.4,00,000/- 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.

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 a sum of 50% of the cheque amount.

4. Heard the learned counsel for the petitioner and learned Government Advocate (Crl.Side) for the 2nd respondent, 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



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

(i) The petitioner/Accused shall deposit 50% of the cheque amount to the credit of S.T.C.No.105 of 2022 on the file of the learned Judicial Magistrate (Fast Track Court), Thiruthurapoondi, 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 learned Judicial Magistrate (Fast Track Court), Thiruthurapoondi, Thiruvarur District.



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(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.

(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

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SUNDER MOHAN, J.

cda

To

1.The Judicial Magistrate (Fast Track Court), Thiruthurapoondi.

2.The Principal District and Sessions Judge, Thiruvarur.

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