



Crl.M.P.Nos.2661 & 2662 of 2026
in Crl.R.C.No.360 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2026

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.2661 & 2662 of 2026
in
Crl.R.C.No.360 of 2026

1.M/s.Kandavel Exports
Represented by its Partner and its Authorised Signatory, K.Karthikeyan,
22A(4) Thaneerpandhal Colony,
15, Velampalayam,
Thiruppur – 641 650.

2.Mr.Karthikeyan,
Partner and Authorised Signatory,
M/s.Kandavel Exports,
22A(4) Thaneerpandhal Colony,
15, Velampalayam,
Thiruppur – 641 650.

3.K.Priyanka
Partner and Authorised Signatory,
M/s.Kandavel Exports,
22A(4) Thaneerpandhal Colony,
15, Velampalayam,
Thiruppur – 641 650.

...Petitioners

-VS-

M/s.Malar Printers
Represented by its Proprietor, D.Manigandam
S/o.Durai
1/8



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Office at
23(4), Kamatchi Amman Kovil Street,
Mahaliamman Street Opposite,
Kumarandhapuram,
Thiruppur – 641 062.

...Respondent

PRAYER in Crl.M.P.No.2661 of 2026: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, praying to suspend the sentence and conviction passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur, in Crl.A.No.243 of 2024 dated 16.10.2025 dismissing the appeal and confirming the order of the learned Judicial Magistrate, Fast Track Court, Tiruppur, dated 09.07.2024 in STC.No.1310 of 2019 and convicting the appellant for the offence under Section 138 of the Negotiable Instruments Act, and enlarge the petitioner on bail till the disposal of the above Criminal Revision Petition.

PRAYER in Crl.M.P.No. 2662 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to pass an order of exemption to surrender the petitioner pursuant to the judgment dated 16.10.2025 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur, in Crl.A.No.243 of 2024 by confirming the conviction and sentence imposed by the learned Judicial Magistrate, Fast Track Court, Tiruppur, in STC.No.1310 of 2019 by the judgment dated 09.07.2024 till the disposal of the above Criminal Revision Petition.

For Petitioners : Mr.R.Siva



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COMMON ORDER

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The petitioners have preferred the above revision challenging the judgment passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur, in Crl.A.No.243 of 2024 dated 16.10.2025, confirming the judgment of the learned Magistrate convicting the petitioners for the offences under Section 138 of the Negotiable Instruments Act, and sentenced petitioners 2 and 3 to undergo 6 months SI and pay a compensation of Rs.18,91,729/- (id) to undergo 1 month SI. The instant petitions have been filed to suspend the sentence imposed on the petitioners and to exempt the petitioners from surrendering before the Trial Court, pending disposal of the above revision.

2. It is the case of the respondent that the petitioners had issued a cheque for a sum of Rs.18,91,729/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'Payment Stopped by Drawer'; that in spite of the statutory notice, the petitioners did not make the payment; and hence liable for the said offence.

3. The learned counsel for the petitioners would submit that the cheque, which was issued as security, has been misused. It is the case of the complainant



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that the cheque was issued in the year 2018; however, as early as in the year 2017, the petitioners had instructed the Bank to stop payment. It is further submitted that the petitioners are liable to pay only a sum of Rs.8,00,000/-, out of which 20% of the cheque amount has already been deposited, and that they are agreeable to deposit a further sum of Rs.5,00,000/- and prayed for suspension of sentence.

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 petitioners that there are substantial grounds raised in the above revision which require consideration, and the fact that the petitioners are willing to deposit Rs.5,00,000/-, this Court is inclined to grant suspension of sentence and exempt the petitioners from surrendering before the Trial Court, subject to the following conditions:

- (i) The petitioners 2 and 3 shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakh only) to the credit of S.T.C.No.1310 of 2019 on the file of the learned Judicial



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Magistrate, Fast Track Court, Tiruppur, 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 petitioners 2 and 3 shall be suspended, on their executing a bond 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, Tiruppur

(iv) The petitioners 2 and 3 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 petitioners 2 and 3 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 they are not able to appear before the Trial Court on any day, they shall



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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 their absence as directed by the Trial Court.

(vi) On the failure of the petitioners 2 and 3, depositing the above said amount, it is open to the Trial Court to commit the petitioners 2 and 3 into custody for undergoing the sentence.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered

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To

- 1.The Judicial Magistrate, Fast Track Court, Tiruppur.
- 2.The Sessions Judge,
Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur.



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SUNDER MOHAN, J.

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