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Crl.M.P. Nos. 2614 & 2615 of 2026
in
Crl.R.C. No. 350 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P. Nos. 2614 & 2615 of 2026
in
Crl.R.C. No. 350 of 2026

1.M/s.Venus Tea Factory,
Coonoor, Represented by its
Managing Partner Mr.K.Ashok Kumar,
S/o S.Krishnamoorthy, Vardhinillam,
Mount Pleasant, Coonoor.

2.Mr.K.Ashok Kumar,
Managing Partner,
M/s.Venus Tea Factory,
S/o.S.Krishnamoorthy,
Vardhinillam,
Coonoor.

..Petitioners

Vs.

Mr.L.Pakianathan

..Respondent

Prayer in Crl.M.P.No.2614/2026:Criminal Miscellaneous Petition filed
under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023 to
suspend the sentence of the 2nd petitioner imposed by the Judgment dated



Crl.M.P. Nos. 2614 & 2615 of 2026
in
Crl.R.C. No. 350 of 2026

21.12.2022 passed by the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor, in S.T.C.No.46 of 2020 which was confirmed by the Judgment dated 05.12.2025 passed by the Hon'ble Additional Sessions Court, Udthagamandalam in Crl.A.No.04 of 2023 pending disposal of the above Criminal Revision Petition.

Prayer in Crl.M.P.No.2615/2026:Criminal Miscellaneous Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to exempt the 2nd petitioner from surrendering before the Hon'ble Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor in S.T.C.No.46 of 2020.

For Petitioner :: Mr.I.Mouli

O R D E R

The petitioners have preferred the above revision challenging the judgment dated 05.12.2025 passed by the learned Additional Sessions Judge, Udthagamandalam in Crl.A.No.04 of 2023 confirming the judgment of the learned Magistrate convicting the petitioners for the offence under Section 138 of the Negotiable Instruments Act, and sentencing the second petitioner



Crl.M.P. Nos. 2614 & 2615 of 2026
in
Crl.R.C. No. 350 of 2026

to undergo simple imprisonment for a period of six months and to pay a sum of Rs.8,50,000/- to the complainant as compensation, in default, to undergo two months simple imprisonment. The instant petitions have been filed to suspend the sentence imposed on the second petitioner and to exempt the second petitioner from surrendering before the Trial Court, pending disposal of the above revision.

2. It is the case of the respondent that the second petitioner had issued a cheque for a sum of Rs.8,50,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned stating 'Funds Insufficient'; that in spite of the statutory notice, the second petitioner did not make the payment; and hence liable for the said offence.

3. The learned counsel for the petitioners would submit that the petitioners have raised substantial grounds in the above revision; that the second 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 second petitioner is willing to deposit 50% of the cheque amount.



Crl.M.P. Nos. 2614 & 2615 of 2026
in
Crl.R.C. No. 350 of 2026

4. Heard the learned counsel for the petitioners 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 second petitioner is willing to deposit 50% of the cheque amount, this Court is inclined to suspend the sentence imposed on the second petitioner and exempt the second petitioner from surrendering before the Trial Court, subject to the following conditions:

(i) The second petitioner/Accused shall deposit 50% of the cheque amount to the credit of STC. No. 46 of 2020 on the file of learned Judicial Magistrate, Fast Track Court at Magisterial Level, Coonoor, 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



Crl.M.P. Nos. 2614 & 2615 of 2026
in
Crl.R.C. No. 350 of 2026

WEB COPY

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 second petitioner/Accused shall be suspended, on him 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 Magisterial Level, Coonoor ;

(iv) The second 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 second 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 any 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; and



WEB COPY



Crl.M.P. Nos. 2614 & 2615 of 2026
in
Crl.R.C. No. 350 of 2026

(vi) On the failure of the second petitioner/Accused, depositing the said amount, it is open to the Trial Court to commit the second petitioner/accused into custody for undergoing the sentence.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

Tsg

16.02.2026
(2/2)

To

1. The Judicial Magistrate, Fast Track Court
at Magisterial Level, Coonoor.
2. The Additional Sessions Judge, Udhagamandalam



WEB COPY



Crl.M.P. Nos. 2614 & 2615 of 2026
in
Crl.R.C. No. 350 of 2026

SUNDER MOHAN,J.

Tsg

Crl.M.P. Nos. 2614 & 2615 of 2026
in
Crl.R.C. No. 350 of 2026

16.02.2026