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Crl.M.P. Nos. 2417 & 2421 of 2026
in
Crl.R.C. No. 328 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P. Nos. 2417 & 2421 of 2026
in
Crl.R.C. No. 328 of 2026

1.M/s.Shree Garments,
Rep. by its Proprietor,
R.Prabhakaran,
S/o.Ramasamy,
Pattukottaiyar Nagar,
Kattuvalavu,
Tiruppur – 641 604.

2.R.Prabhakaran

..Petitioners

Vs.

R.Ravichandran

..Respondent

Prayer in Crl.M.P.No.2417/2026:Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023 to suspend the sentence of imprisonment imposed on the 2nd petitioner in the judgment dated 20.02.2023 made in CC No.258 of 2017 on the file of the Ld. Judicial Magistrate, Fast Track Court, Tiruppur, which was confirmed



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by the judgment dated 08.01.2026 made in C.A.No.100 of 2023 on the file of the Ld.I Additional District and Sessions Court, Tiruppur, and enlarge the 2nd petitioner on bail pending disposal of the above Criminal Revision Petition before this Hon'ble Court.

Prayer in Crl.M.P.No.2421/2026:Criminal Miscellaneous Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to grant an order of exemption to the 2nd petitioner from surrendering before the trial Court pursuant to the judgment dated 08.01.2026 made in C.A.No.100 of 2023 on the file of the Ld. First Additional District and Sessions Court, Tiruppur, confirming the judgment dated 20.02.2023 made in CC No.258 of 2017 on the file of the Ld. Judicial Magistrate, Fast Track Court, Tiruppur pending disposal of this Criminal Revision Petition before this Hon'ble Court.

For Petitioners :: Mr.N.Manoharan.

O R D E R

The petitioners have preferred the above revision challenging the judgment dated 08.01.2026 passed by the learned First Additional District



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and Sessions Court, Tiruppur in Crl.A.No.100 of 2023 confirming the judgment of the learned Magistrate convicting the petitioners 1 and 2 for the offence under Section 138 of the Negotiable Instruments Act, and sentencing the second petitioner to undergo simple imprisonment for a period of six months and to pay a sum of Rs.12,00,000/- to the complainant as compensation, in default, to undergo one month 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.12,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned stating 'Accounts Closed'; 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 second petitioner has raised substantial grounds in the above revision; that



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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 40% of the cheque amount.

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 40% 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 40% of the cheque amount to the credit of C.C. No. 258 of 2017 on the file of learned Judicial Magistrate, Fast Track Court,



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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 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, Tiruppur ;

(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



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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

(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

12.02.2026
(2/2)

To

1. The Judicial Magistrate,
Fast Track Court, Tiruppur.
2. I Additional District and Sessions Court,
Tiruppur.



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SUNDER MOHAN,J.

Tsg

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