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Crl.M.P.No.2534 of 2026
in Crl.RC.No.342 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.2534 of 2026
in Crl.RC.No.342 of 2026

K.Babu

... Petitioner /Petitioner

Vs.

Shanthakumar

... Respondent/Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 528 of BNSS Act, 2023 praying to suspend the sentence imposed by the Hon'ble trial Court in CC No.24 of 2022 on the file learned Judicial Magistrate Fast Track Court (Magisterial Level) at Thiruvannamalai dated 27.02.2023 which was subsequently confirmed by the appellate court in CA No.17 of 2023 on the file learned Principal District and Sessions Judge, Tiruvannamalai, dated 23.01.2026 pending disposal of above Criminal Revision Petition.

For Petitioner

: Mr.R.Ganesh Babu

ORDER

The petitioner has preferred the above revision challenging the judgment dated 23.01.2026 passed by the learned Principal District and Sessions Judge,



Crl.M.P.No.2534 of 2026
in Crl.RC.No.342 of 2026

WEB COPY

Tiruvannamalai, in Crl.A.No.17 of 2023 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.3,00,000/- to the complainant as compensation, in default, to undergo one month 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.2,00,000/- 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 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 50% of the cheque amount.



Crl.M.P.No.2534 of 2026
in Crl.RC.No.342 of 2026

WEB COPY

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 50% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner, subject to the following conditions:

(i) The petitioner/Accused shall deposit 50% of the cheque amount, to the credit of C.C. No. 24 of 2022 on the file of learned Judicial Magistrate, Fast Track Court (Magistrate Level), Thiruvannamalai, 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



Crl.M.P.No.2534 of 2026
in Crl.RC.No.342 of 2026

for a likesum to the satisfaction of the learned Judicial
Magistrate, Fast Track Court (Magistrate Level),
Thiruvannamalai;

(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

(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)

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Crl.M.P.No.2534 of 2026
in Crl.RC.No.342 of 2026

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- 1.The Judicial Magistrate,
Fast Track Court (Magistrate Level), Thiruvannamalai
- 2.The Principal District and Sessions Judge,
Thiruvannamalai.



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Crl.M.P.No.2534 of 2026
in Crl.RC.No.342 of 2026

SUNDER MOHAN, J.

Tsg

Crl.M.P.No.2534 of 2026
in Crl.RC.No.342 of 2026

16.02.2026
(2/2)