



Crl.M.P.Nos.2644 & 2646 of 2026
in Crl.R.C.No.358 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.2644 & 2646 of 2026
in
Crl.R.C.No.358 of 2026**

Dharmaraj

...Petitioner

-VS-

Vijayakumar (Died)

Gomathi

...Respondent

PRAYER in Crl.M.P.No.2644 of 2026: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, praying to suspend the sentence imposed on the petitioner in Crl.A.No.36 of 2025 passed by the learned V Additional District and Sessions Judge, Coimbatore, dated 26.11.2025 partly allowed the judgment of the learned Judicial Magistrate Court-II, Pollachi, in STC.No.3243 of 2016 dated 16.12.2024 and enlarge the petitioner on bail pending disposal of the above criminal revision.

PRAYER in Crl.M.P.No. 2646 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt the petitioner from his surrender in Crl.A.No.36 of 2025 passed by the learned V Additional District



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and Sessions Judge, Coimbatore, dated 26.11.2025 partly allowed the judgment of the learned Judicial Magistrate Court-II, Pollachi, in STC.No.3243 of 2016 dated 16.12.2024.

For Petitioner : Mr.M.N.Balakrishnan

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned V Additional District and Sessions Judge, Coimbatore, in Crl.A.No.36 of 2025 dated 26.11.2025, partly allowed the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo 6 months SI and pay a compensation of Rs.3,50,000/- (id) 3 months SI. 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.

2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.3,50,000/- 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 petitioner did not make the payment; and hence liable for the said offence.



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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 his bona fides, the petitioner is willing to deposit 50% of the cheque amount to the credit of the S.T.C.No.3243 of 2016 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 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 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.3243 of 2016 on the file of the learned Judicial Magistrate Court-II, Pollachi, within a period of four weeks from the date of receipt of a copy of this order.



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(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 his 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 Court-II, Pollachi.

(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 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



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other day in lieu of the date of his 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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To

1.The Judicial Magistrate Court-II, Pollachi.

2.The V Additional District and Sessions Judge, Coimbatore.



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SUNDER MOHAN, J.

cda

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