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Crl.M.P. Nos. 3929 & 3930 of 2026
in
Crl.R.C. No. 515 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2026

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.3929 & 3930 of 2026
in
Crl.R.C.No. 515 of 2026

Kamlesh Odhavdas Purohit

..Petitioner

Vs.

M/s. Sri Vimala Nehru Exports Pvt. Ltd.,
rep. by its Director Rishabh Parakh,
S/o. Santhip Kumar Parek,
No. 255, Agraharam Street,
Opp. To Mahajana Higher Secondary
School,
Erode.

..Respondent

PRAYER in Crl.M.P.No.3929 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt the petitioner from surrendering pursuant to the judgment dated 02.02.2026 passed in Crl.A.No. 156 of 2021 by the learned II Additional District and Sessions Judge, Erode, confirming the judgment dated 07.10.2021 passed in S.T.C. No. 694 of 2018 by Fast Track Court No.II at Magisterial Level, Erode.



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PRAYER in Crl.M.P.No.3930 of 2026: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, praying to suspend the sentence imposed on the petitioner by judgment dated 07.10.2021 passed in S.T.C. No. 694 of 2018 by Fast Track Court No.II at Magisterial Level, Erode confirmed by judgment dated 02.02.2026 passed in Crl.A.No. 156 of 2021 by the learned II Additional District and Sessions Judge, Erode.

For Petitioner :: Mr.C.S. Saravanan

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 02.02.2026 passed in Crl.A. No. 156 of 2021 by the learned II Additional District and Sessions Judge, Erode, confirming the judgment of the Trial Court convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing him to undergo six months simple imprisonment and to pay compensation of Rs.12,33,449/-, in default, to undergo simple imprisonment for one month. 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.



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2. It is the case of the respondent that the petitioner had issued seven cheques, each dated 24.10.2018 drawn on Syndicate Bank, Mumbai, New Marine Lines Branch, Mumbai, for various amounts, summing upto Rs.12,33,449/- towards discharge of liability, as hereunder:

S.No.	Date of Cheque	Amount	Cheque Number
1.	24.10.2018	Rs.1,54,144/-	683571
2.	24.10.2018	Rs.1,79,195/-	683572
3.	24.10.2018	Rs.2,58,597/-	683573
4.	24.10.2018	Rs.2,32,864/-	683574
5.	24.10.2018	Rs.1,04,532/-	683575
6.	24.10.2018	Rs.1,51,044/-	907878
7.	24.10.2018	Rs.1,53,073/-	907879

According to the respondent, when the said cheques were presented for collection, they were returned for the reason '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 judgments of the



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Courts below are liable to be set aside; and that, to show his bona fides, the petitioner is willing to deposit a sum of Rs.3,50,000/-.

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 a sum of Rs.3,50,000/-, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the Trial Court, pending disposal of the revision, subject to the following conditions:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit a sum of Rs.3,50,000/- (Rupees Three Lakh and Fifty Thousand only) to the credit of STC No. 694 of 2018 on the file of Fast Track Court II at Magisterial Level, Erode, 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



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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 for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of the Trial Court.

(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 a 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 that 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.



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(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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26.02.2026
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To

1. The II Addl. District and Sessions Judge,
Erode.
2. The Fast Track Court No.II at
Magisterial Level, Erode.

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