



WEB COPY



Crl.M.P.Nos.4184 and 4185 of 2026
in Crl.R.C.No.551 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2026

CORAM

THE HONOURABLE MR JUSTICE C. KUMARAPPAN

Crl.M.P.Nos.4184 and 4185 of 2026
in
Crl.R.C.No.551 of 2026

M.Thangaraj,

...Petitioner/Accused

-VS-

Superfine Bleaching Company Ltd.,
Rep. By its Director M.Varadharaj,
11D, Gandhipuram Main Road,
Komarapalayam, Namakkal District.

...Respondent

PRAYER in Crl.M.P.No.4184 of 2026: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS Act, 2023, praying to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 12.12.2025 made in Crl.A.No.74 of 2025 on the file of the II Additional District and Sessions Judge, Tiruchengode confirming conviction and sentence imposed in the judgment dated 30.05.2025 made in S.T.C.No.345 of 2020 on the file of the Judicial Magistrate, Komarapalayam and release the petitioner on bail pending disposal of the above Revision Petition.



Crl.M.P.Nos.4184 and 4185 of 2026
in Crl.R.C.No.551 of 2026

PRAYER in Crl.M.P.No.4185 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt the petitioner from surrendering before the trial Court pursuant to the judgment dated 12.12.2025 made in Crl.A.No.74 of 2025 on the file of the II Additional District and Sessions Judge, Tiruchengode confirming conviction and sentence imposed in the judgment dated 30.05.2025 made in S.T.C.No.345 of 2020 on the file of the Judicial Magistrate, Komarapalayam pending disposal of the above Revision Petition.

For Petitioner : Mr.K.M.Subheramaniam

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 12.12.2025 passed by the learned II Additional District and Sessions Judge, Tiruchengode, in Crl.A.No.74 of 2025 confirming the judgment of the learned Judicial Magistrate, Komarapalayam 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 two years and to pay Rs.3,00,000/- carrying a default sentence of simple imprisonment of one month. The instant petition has been filed to suspend the sentence imposed on the petitioner.



Crl.M.P.Nos.4184 and 4185 of 2026
in Crl.R.C.No.551 of 2026

2. It is the case of the respondent that the petitioner had business transactions with the respondent. There was an outstanding balance of Rs.27,18,942.25 payable by the petitioner to the respondent. The petitioner made a part payment of Rs.8,50,000/- and still there was an outstanding balance of Rs.21,84,095.25 payable by the petitioner to the respondent, for which, the petitioner had issued a cheque for a sum of Rs.3,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned stating 'Exceeds Arrangement'; 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 his bona fides, the petitioner is willing to deposit 40% of the cheque amount.

4. Heard the learned counsel for the petitioner and perused the materials available on record.



Crl.M.P.Nos.4184 and 4185 of 2026
in Crl.R.C.No.551 of 2026

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 40% of the cheque amount, these Criminal Miscellaneous Petitions stand **allowed**. The sentence imposed on the petitioner is suspended and the petitioner is exempted from surrendering before the Trial Court till the disposal of the above criminal revision, subject to the following conditions:

(i) The petitioner/Accused shall deposit 40% of the cheque amount to the credit of S.T.C. No. 345 of 2020 on the file of the learned Judicial Magistrate, Komarapalayam, 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 for a likesum to the satisfaction of the Judicial Magistrate, Komarapalayam;



Crl.M.P.Nos.4184 and 4185 of 2026
in Crl.R.C.No.551 of 2026

(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.

04.03.2026

mp

To

- 1.The II Additional District and Sessions Court, Tiruchengode.
2. The Judicial Magistrate, Komarapalayam.

5/6



WEB COPY



Crl.M.P.Nos.4184 and 4185 of 2026
in Crl.R.C.No.551 of 2026

C. KUMARAPPAN, J.

mp

**Crl.M.P.Nos.4184 and 4185 of 2026
in Crl.R.C.No.551 of 2026**

04.03.2026