



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP Nos.4528 and 4530 of 2026

in

CRL RC No.596 of 2026

S.Manila Rana
W/o.Sampath Kumar,
No.26/B, Railway Colony,
Ambur Taluk,
Tirupattur District.

...Petitioner in both the
petitions

Vs

P. Thandapani
S/o.Perumal,
No.37/18, 3rd Street,
New Bethlagem,
Ambur Taluk,
Tirupattur District.

...Respondent in both
the petitions

CRL MP No.4528 of 2026

Prayer : Criminal Miscellaneous Petition filed under Section 430(1) of BNSS to suspend the sentence of imprisonment imposed in the Judgment dated 08.01.2026 made in Crl.A.No.12 of 2024 on the file of the learned District and Sessions Judge, Tirupattur, Tirupattur District confirming the conviction imposed in Judgment dated 24.05.2024 made in S.T.C.No.113 of 2020 on the file of the Additional District Munsif cum Judicial Magistrate, Ambur and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.



CRL MP No.4530 of 2026

Prayer: Criminal Miscellaneous Petition filed under Section 528 of BNSS to exempt the petitioner from surrendering in STC.No.113 of 2020 dated 24.05.2024 by the Additional District Munsif cum Judicial Magistrate, Ambur confirming the trial court judgment in Crl.A.No.12 of 2024 dated 08.01.2026 by the District and Sessions Judge, Tirupattur, Tirupattur District pending disposal of the above Criminal Revision Petition.

For Petitioner : Mr.S.Sathish
in both the petitions

COMMON ORDER

The petitioner has preferred the above revision challenging the Judgment passed by the learned District and Sessions Judge, Tirupattur, Tirupattur District in Crl.A.No.12 of 2024 dated 08.10.2026, 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 six months of simple imprisonment and to pay compensation of Rs.4,10,000/- in default to undergo two months of simple imprisonment. 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.4,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason “Kindly Contact Drawer,” and 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 Courts below are liable to be set aside and that, to show her bona fides, the petitioner is willing to deposit 40% of the cheque amount, i.e., Rs.1,60,000/- (Rupees One Lakh Sixty Thousand Only), in addition to the 20% already deposited by the petitioner, to the credit of S.T.C.No.113 of 2020 on the file of the learned Additional District Munsif cum Judicial Magistrate, Ambur.

4. Heard the learned counsel for the petitioner and also 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 40% 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:

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(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit 40% of the cheque amount, in addition to the 20% already deposited by the petitioner, to the credit of S.T.C.No.113 of 2020 on the file of the learned Additional District Munsif cum Judicial Magistrate, Ambur, on or before 16.04.2026.

(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 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 she is not able to appear before the Trial Court on that 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.

(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. If the petitioner fails to deposit 40% of the cheque amount, i.e., Rs.1,60,000/- (Rupees One Lakh Sixty Thousand Only), in addition to the 20% already deposited by the petitioner, to the credit of S.T.C.No.113 of 2020 on the file of the learned Additional District Munsif cum Judicial Magistrate, Ambur, the order of suspension of sentence granted by this Court shall stand automatically vacated.

7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

10-03-2026
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Copy to

1. The District and Sessions Judge,
Tirupattur,
Tirupattur District.

2. The Additional District Munsif cum Judicial Magistrate,
Ambur.



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C.KUMARAPPAN J.
dk

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