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Crl.M.P. No. 4210 of 2026
in
Crl.R.C. No. 555 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2026

CORAM

THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

Crl.M.P. No. 4210 of 2026
in Crl.R.C. No. 555 of 2026

S.Gomathi,
W/o.Sakthivel

..Petitioner

Vs.

S.Jafer Ali,
S/o.Sariputhin

..Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 430 of BNSS to suspend the sentence imposed on the petitioner by the judgment dated 05.12.2025 passed in C.A.No.203 of 2022 on the file of II Additional District and Sessions Judge, Erode confirming the judgment dated 03.10.2022 passed in S.T.C.No.254 of 2019 on the file of the Fast Track Court II at Magisterial Level, Erode, pending disposal of the above revision.

For Petitioner : Mr.J.Titus Enock

ORDER

The petitioner has preferred the above revision challenging the judgment dated 05.12.2025 passed by the learned II Additional District and Sessions Judge, Erode, in C.A.No.203 of 2022 confirming the judgment of



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the learned Fast Track Court II at Magisterial Level, Erode convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing her to undergo simple imprisonment for a period of three months and to pay Rs.10,00,000/- carrying a default sentence of simple imprisonment of one month. The instant petition has been filed to suspend the sentence imposed on the petitioner.

2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.10,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned stating 'insufficient funds'; 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 40% of the cheque amount.



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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 40% 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 40% of the cheque amount to the credit of S.T.C. No. 254 of 2019 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 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;



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(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 learned Judicial Magistrate Court (Fast Track Court No.II), Erode;

(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



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6. Accordingly, this Criminal Miscellaneous Petition is ordered.

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To

1. The II Additional District and Sessions Judge, Erode.
2. The Fast Track Court II at Magisterial Level, Erode.



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C.KUMARAPPAN,J.

mp

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