



Crl.M.P.Nos.4833 & 4835 of 2026
in Crl.R.C.No.642 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2026

CORAM

THE HONOURABLE MR JUSTICE C.KUMARAPPAN

**Crl.M.P.Nos.4833 & 4835 of 2026
in
Crl.R.C.No.642 of 2026**

D.Thirunavukkarasu

...Petitioner

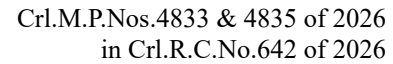
-VS-

S.Subramaniam

...Respondent

PRAYER in Crl.M.P.No.4833 of 2026: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS Act, praying to suspend the sentence dated 06.02.2026 passed in Crl.A.No.191 of 2024 on the file of the learned II Additional District and Sessions Court, Tiruppur, confirming the judgment dated 05.04.2024 passed in S.T.C.No.1958 of 2020 on the file of the learned Judicial Magistrate (Fast Track Court) Tiruppur, and enlarge the petitioner on bail, pending disposal of the above criminal revision petition.

PRAYER in Crl.M.P.No. 4835 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt the petitioner from surrendering pursuant to the judgment dated 06.02.2026 passed in Crl.A.No.191 of 2024 on the file of the learned II Additional District and



For Petitioner : Mr.N.S.Suganthan

The petitioner has preferred the above revision challenging the judgment passed by the learned II Additional District and Sessions Judge, Tiruppur, in CrI.A.No.191 of 2024 dated 06.02.2026, confirming 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.3,00,000/- (id) to undergo 1 month 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.3,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was 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.



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3. The learned counsel for the petitioner would vehemently submit that there is no cause of action to file the complaint, as no statutory notice was issued to the petitioner. In this connection, he would rely upon Ex.P5, wherein the notice was returned with the endorsement “Door Locked Intimation not claimed Return to the sender.” It is the specific submission of the learned counsel for the petitioner that the notice had been deliberately sent to the wrong address and that too during the COVID period. Hence, he 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.1958 of 2020



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on the file of the learned Judicial Magistrate (Fast Track Court), Tiruppur, within a period of six 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 his executing a bond 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 learned Judicial Magistrate (Fast Track Court) Tiruppur.

(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



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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 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

13.03.2026
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To

1.The II Additional District and Sessions Judge, Tiruppur.

2.The Judicial Magistrate (Fast Track Court), Tiruppur.



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C.KUMARAPPAN, J.

cda

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