



Crl.M.P.Nos.4769 & 4767 of 2026  
in Crl.R.C.No.617 of 2026

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 02.04.2026**

CORAM

**THE HONOURABLE MR JUSTICE C.KUMARAPPAN**

**Crl.M.P.Nos.4769 & 4767 of 2026**  
**in**  
**Crl.R.C.No.617 of 2026**

V.Sugirtha

...Petitioner

-VS-

Kumar B.S

...Respondent

**PRAYER in Crl.M.P.No.4769 of 2026:** Criminal Miscellaneous Petition filed under Section 430(1) of BNSS Act, praying to suspend the imprisonment in S.T.C.No.39 of 2015 on the file of the learned Judicial Magistrate (FTC) No.II, Erode, by judgment dated 05.06.2014 and confirming the judgment dated 08.09.2025 made in C.A.No.68 of 2018 on the file of the learned I Additional District and Sessions Judge, Erode, Erode District.

**PRAYER in Crl.M.P.No. 4767 of 2026:** Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt the petitioner to surrender before the Appellate Court on the judgment dated 08.09.2025 made in C.A.No.68 of 2018 on the file of the learned I Additional District and



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Sessions Judge, Erode, Erode District, by confirming the judgment dated 05.06.2017 made in S.T.C.No.39 of 2015 on the file of the learned Judicial Magistrate (FTC) No.II, Erode.

For Petitioner : Mr.C.S.Saravanan

### **COMMON ORDER**

The petitioner has preferred the above revision challenging the judgment passed by the learned I Additional District and Sessions Judge, Erode District, in C.A.No.68 of 2018 dated 08.09.2025, 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 1 year SI and pay a fine of Rs.5,000/- (id) to undergo 3 months 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.1,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason “bank account had been closed”; 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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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.39 of 2015 on the file of the learned Judicial Magistrate (FTC) No.II, Erode, within a period of six weeks from the date of receipt of a copy of this order.



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(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 (FTC) 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 he is not able 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



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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

**02.04.2026**  
(2/2)

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To

1.The I Additional District and Sessions Judge, Erode District.

2.The Judicial Magistrate (FTC) No.II, Erode.



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**C.KUMARAPPAN, J.**

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