



Crl.M.P.Nos.6307 and 6309 of 2026
in Crl.R.C.No.821 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2026

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THE HONOURABLE MR JUSTICE C. KUMARAPPAN

Crl.M.P.Nos.6307 and 6309 of 2026
in
Crl.R.C.No.821 of 2026

S.Navaneetha Krishna Alias Navaneetha Krishnan,
S/o.K.P.Subramaniam

...Petitioner/Accused

-VS-

M/s.SKE & Co,
Managing Partner,
M.Selvi,
W/o.Murugesan,
No.72, Sampath Nagar,
Opposite to District Court,
Erode – 638 011,

Rep. By its Power Agent Cum Manager,
G.Prakash,
S/o.Ganesan,
No.46, V.O.C.Street,
Kollampalayam, Erode.

...Respondent

PRAYER in Crl.M.P.No.6307 of 2026: Criminal Miscellaneous Petition filed under Section 430 of BNSS Act, 2023, praying to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 02.03.2026



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passed in Crl.A.No.141 of 2023 on the file of the 2nd Additional District & Session Judge at Erode in confirming the judgment dated 24.03.2023 passed in S.T.C.No.717 of 2019 on the file of the Judicial Magistrate, Fast Track Court No.II at Magisterial Level at Erode pending disposal of the above Revision Petition.

PRAYER in Crl.M.P.No.6309 of 2026: Criminal Miscellaneous Petition filed under Section 430 of BNSS, praying to exempt the petitioner from surrendering before the trial Court in S.T.C.No.717 of 2019 on the file of the Judicial Magistrate, Fast Track Court No.II at Magisterial Level at Erode, pending disposal of the above Revision Petition.

For Petitioner : Mr.K.Myilsamy

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 02.03.2026 passed by the learned 2nd Additional District and Sessions Judge at Erode, in Crl.A.No.141 of 2023 confirming the judgment of the learned Judicial Magistrate, Fast Track Court No.II at Magisterial Level at Erode 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 three months and to pay Rs.4,60,000/- as compensation, carrying a default sentence of simple imprisonment of one month. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt

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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 borrowed a sum of Rs.4,60,000/- for his urgent expenses for the interest at the rate of 18%. On 04.10.2018, the petitioner has issued a cheque in cheque bearing No.000109, for a sum of Rs.4,60,000 towards discharge of liability; that when the said cheque was presented for collection, it was returned stating 'funds insufficient'; 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 50% of the cheque amount.

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



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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, 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 50% of the cheque amount to the credit of S.T.C. No. 717 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court No.II, at Magisterial Level at 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;

(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



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to the satisfaction of the learned Judicial Magistrate, Fast Track
Court No.II, at Magisterial Level at Erode;

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(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.

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C. KUMARAPPAN, J.

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- 1.The 2nd Additional District and Sessions Judge, Erode.
2. The Judicial Magistrate, Fast Track Court No.II, at Magisterial Level at Erode

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