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Crl.M.P.Nos.6214 and 6215 of 2026
in Crl.R.C.No.807 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2026

CORAM

THE HONOURABLE MR JUSTICE C. KUMARAPPAN

Crl.M.P.Nos.6214 and 6215 of 2026
in
Crl.R.C.No.807 of 2026

S.Gayathri, D/o.Late K.R.Sivasubramani

...Petitioner/Accused

-VS-

E.M.Parimala, D/o.Easwaran

...Respondent

PRAYER in Crl.M.P.No.6214 of 2026: Criminal Miscellaneous Petition filed under Section 430(2) of BNSS Act, 2023, praying to enlarge the petitioner on bail by suspending the sentence imposed in C.A.No.224 of 2023 on the file of the V Additional District and Sessions Court, Coimbatore dated 02.01.2026 against C.C.No.11 of 2016 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level -II, Coimbatore dated 23.06.2023 pending disposal of the above Revision Petition.

PRAYER in Crl.M.P.No.6215 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt the petitioner to surrender before the trial Court on the judgment dated 02.01.2026 made in C.A.No.224 of 2023 on the file of the V Additional District and Sessions Court, Coimbatore

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confirming the judgment in C.C.No.11 of 2016 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level -II, Coimbatore dated 23.06.2023.

For Petitioner : Mr.J.Thomas Saran Singh

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 02.01.2026 passed by the learned V Additional District and Sessions Court, Coimbatore, in C.A.No.224 of 2023 confirming the judgment of the learned Judicial Magistrate, Fast Track Court at Magisterial Level -II, Coimbatore 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 nine months and to pay Rs.39,00,000/- 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 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, by making false representations regarding a flourishing real estate business, induced the

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respondent and others to part with substantial amounts of money. In this regard,

the petitioner is alleged to have collected a total sum of Rs.1,42,15,000/- from her relatives and friends. The respondent, along with her friend Najmal and her friend's sister Smt.Pushpalatha had together paid a sum of Rs.26,00,000/- to the petitioner. When the respondent asked the petitioner to repay the said amount, the petitioner issued a cheque bearing No.680709, dated 30.07.2012, 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 a sum of Rs.10,00,000/- .

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 a sum of Rs.10,00,000/-, 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 a sum of Rs.10,00,000/- to the credit of C.C. No. 11 of 2016 on the file of the learned Judicial Magistrate Level -II, Coimbatore, 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 to the satisfaction of the learned Judicial Magistrate Level -II, Coimbatore;



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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.

08.04.2026

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To

1. The Judicial Magistrate Level -II, Coimbatore,
2. V Additional District and Sessions Court, Coimbatore.



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C. KUMARAPPAN, J.

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