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CRL MP Nos.7885 & 7888 of 2026
in
CRL RC No. 990 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-04-2026

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL MP Nos.7885 & 7888 of 2026

in

CRL RC No. 990 of 2026

B.S.Sugumaran
S/o. Shanmugam,
Proprietor Reghavendra Fab,
D.No.51/37, 2nd Cross, Geetha Nagar,
Sakthimahal Back Side,
Perundurai Road, Erode - 638 011.
Having Office at:
Raghavendra Fab,
No.100/2, Anumanpalli,
Arachalur Road, Vellode - 638 112.
Erode District.

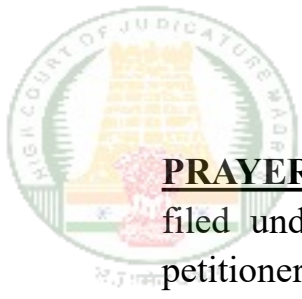
Petitioner(s)

Vs

P.Sakthikumar
Proprietor, Sri Rajakaliamman Textiles,
79A, Third Street, Narayana Nagar,
Komarapalayam 638 183,
Namakkal District.

Respondent(s)

PRAYER in CRL MP No. 7885 of 2026: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, to suspend the sentence of imprisonment imposed on the petitioner in the Judgment dated 15.12.2025 made in CA.No.82 of 2025 on the file of the learned Second Additional District and Sessions Court, Tiruchengode confirming the Judgment dated 26.05.2025 made in STC.No.104 of 2021 on the file of the learned Judicial Magistrate, Komarapalayam and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.



PRAYER in CRL MP No. 7888 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, to grant an order of exemption to the petitioner from surrendering before the trial court pursuant to the Judgment dated 15.12.2025 made in CA.No.82 of 2025 on the file of the learned Second Additional District and Sessions Court, Tiruchengode confirming the judgment dated 26.05.2025 made in STC.No.104 of 2021 on the file of the learned Judicial Magistrate, Komarapalayam pending disposal of this Criminal Revision Petition.

For Petitioner(s): Mr.N.Manoharan

COMMON ORDER

This Criminal Revision case has been filed for setting aside the judgement dated 15.12.2025 in C.A.No.82 of 2025 on the file of the learned II Additional District and Sessions Court, Tiruchengode, confirming the judgement dated 26.05.2025 in S.T.C.No.104 of 2021 on the file of the learned Judicial Magistrate, Kumarapalayam, convicting the petitioner/accused for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo 2 years simple imprisonment and to pay compensation of Rs.10,00,000/- within a period of 30 days, in default to undergo further period of 3 months simple imprisonment.

2. Along with the revision, the petitioner has filed two Miscellaneous Petitions viz. CRL MP No. 7885 of 2026, seeking suspension of sentence and CRL MP No. 7888 of 2026 for exempting him from surrendering pursuant to



the judgments.



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3. 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 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.

4. 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 the entire cheque amount of Rs.10,00,000/-.

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

6. 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 the entire cheque amount of Rs.10,00,000/- (Rupees Ten Lakhs Only), this Court is



inclined to suspend the sentence imposed on the petitioner, subject to the following conditions:

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(i) The petitioner/Accused shall deposit the entire cheque amount i.e., Rs.10,00,000/- (Rupees Ten Lakhs Only) to the credit of STC.No.104 of 2021 on the file of the learned Judicial Magistrate, Komarapalayam, on or before 08.06.2026;

(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 for a sum of Rs.25,000/- with two sureties each for a likesum to the satisfaction of the trial Court;

(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 other day in lieu of the date of his 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.

7. With the above directions, the Criminal Miscellaneous Petition viz., CRL MP No. 7885 of 2026 is ordered.

8. In the light of the order passed in Crl.M.P.No.7885 of 2026 granting suspension of sentence with certain conditions, Crl.M.P.No.7888 of 2026 filed seeking exemption of the petitioner from surrendering before the trial Court is closed, as no further order is required to be passed.

30-04-2026

Jd

Neutral Citation:Yes/No

To

1. II Additional District and Sessions Court, Tiruchengode.
2. The Learned Judicial Magistrate, Komarapalayam.
3. The Public Prosecutor,
Madras High Court, Chennai.



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