



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL MP Nos. 7757 & 7758 of 2026

IN

CRL RC NO. 974 OF 2026

M.Aaron

..Petitioner in both cases

Vs

M/s.S.K.F.C & Co,
Managing Partner Tmt.M.Selvi,
W/o.Murugesan, 106/1 Mudaliar Thottam,
Moolapalayam Erode, Rep. by its Power Agent,
Cum Manager G.Prakash S/o.Ganesan,
No.46, V.O.C.Street, Kollampalayam, Erode.

..Respondent in both
cases

CRL MP No. 7757 of 2026

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) r/w 485 of BNSS, to suspend the sentence imposed in judgment dated 15.04.2026 in Crl.A.No.278 of 2023 on the file of the II Additional District and Sessions Judge, Erode confirming the judgment dated 21.07.2023 in STC.N.489 of 2019 on the file of the Fast Track Court II at Magisterial Level, Erode and enlarge the petitioner on bail till pending disposal of the Criminal Revision Petition.

CRL MP No. 7758 of 2026

PRAYER: Criminal Miscellaneous Petition filed under Section 528 of BNSS, to grant an order of exemption from surrendering before the trial court pursuant to the judgment dated 15.04.2026 in C.A.No.278 of 2023 on the file of the II Additional District and Sessions Judge, Erode confirming the conviction imposed in the judgment dated 21.07.2023 in S.T.C.No.489 of 2019 on the file of the Fast Track Court II at Magisterial Level, Erode and enlarge the petitioner on bail pending disposal of the Criminal Revision Petition.



For Petitioner:

Mr.J.Jawahar in both cases

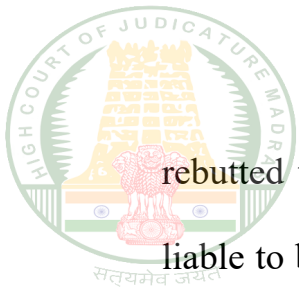
COMMON ORDER

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The petitioner has preferred the above revision challenging the judgment dated 15.04.2026 passed by the learned II Additional District and Session Judge, Erode in C.A.No.278 of 2023, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing him to undergo Simple Imprisonment for three months and to pay a sum of Rs.6,50,000/- as compensation, and in default to undergo Simple Imprisonment for one month. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt him from surrendering before the Trial Court, pending disposal of the above revision.

2. It is the case of the respondent that the petitioner issued a cheque for a sum of Rs.6,50,000/- towards the discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'Funds Insufficient'; and that despite receiving the statutory notice, the petitioner did not make the payment and hence, liable for prosecution.

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.

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 bail, suspension of sentence and exempt the petitioner from surrendering before the Trial Court, subject to the following conditions:

(i) The petitioner is ordered to be enlarged on bail, on condition that he deposits 50% of the cheque amount to the credit of S.T.C.No.489 of 2019 on the file of the Fast Track Court II, Magisterial Level, Erode, 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



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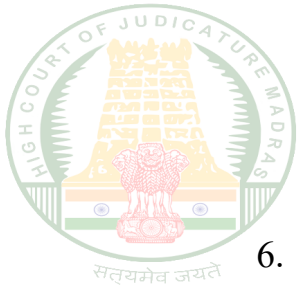
at the culmination of the Criminal Revision Case.

(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.10,000/- with two sureties, each for a like sum, to the satisfaction of the Trial Court.

(iv) 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 that 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.

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29-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

NSL

To

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

2. Fast Track Court II at Magisterial Level, Erode.



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CRL MP Nos. 7757 & 7758 of 2



A.D.JAGADISH CHANDIRA, J.

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