



*Crl.M.P.Nos.894 and 897 of 2026
in Crl.R.C.No.147 of 2026*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2026

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

**Crl.M.P.Nos.894 and 897 of 2026
in
Crl.R.C.No.147 of 2026**

Tharani
Proprietrix,
M/s.Jayakumar Traders,
24/47, Krishnan Kovil Street,
Ramanathapuram,
Coimbatore - 641045.

...Petitioner

-VS-

V. Shanmugam (Deceased)

1. S.Vijayamthimala
2. S.Rajasekaran
3. S.Roshini

...Respondents

PRAYER in Crl.M.P.No.894 of 2026: Criminal Miscellaneous Petition filed under Section 438 (1) of BNSS, to suspend the sentence passed in judgment dated 23.10.2025 by the learned V-Additional District and Session Judge, Coimbatore in Crl.A.No.09 of 2019 and confirming the judgment dated 06.12.2018 of the learned Judicial Magistrate-2 (FTC), Coimbatore in CC.No.267 of 2014 enlarge the petitioner on bail on such terms and conditions that may be imposed by the Court.

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For Petitioner : Mr.Suvin Kumaran

ORDER

Is to

exempt her from surrendering before the trial Court, pending disposal of the



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Criminal Revision Case.

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2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.7,00,000/- 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.

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



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which require consideration, and the fact that the petitioner is willing to deposit 40% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner and exempted her from surrendering before the trial Court, subject to the following conditions:

(i) The petitioner/Accused shall deposit 40% of the cheque amount to the credit of C.C.No.267 of 2014 on the file of learned Judicial Magistrate No.2 (FTC), 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 Judicial Magistrate No.2 (FTC), Coimbatore;

(iv) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and



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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

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SUNDER MOHAN, J.

Mac

To

1. The V-Additional District and Session Court, Coimbatore
2. The Judicial Magistrate-2 (FTC), Coimbatore

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