



WEB COPY

CRL MP Nos. 5271 & 5272 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP Nos. 5271 & 5272 of 2026

IN

CRL RC NO. 694 OF 2026

Suryaprakaas Foundary,
Proprietor, Kanagaraj,
No.73, Sidco Industrial Estate,
Coimbatore.

..Petitioner

Vs

M/s.Santhini Enterprises
Proprietrix, B.Latha,
Rep. by its Power of Attorney,
Gopikrishna,
Now Balasundaram,
S/o.Purusothaman,
No.137/59, Bharathi Colony,
Street No.3, Peelamedu,
Coimbatore - 641 004.
(As per the order in C.M.P.No.929 of 2021)

..Respondent

Prayer in Crl.M.P.No.5271 of 2026: This criminal revision petition is filed under Section 430(1) of B.N.S.S, 2023 to suspend the sentence imposed on the petitioner in C.A.No.380 of 2023 passed by the learned V-Additional District and Sessions Judge, Coimbatore dated 08.08.2025 confirming the judgment of the learned Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore in C.C.No.1630 of 2018 dated 12.09.2023 and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

Prayer in Crl.M.P.No.5272 of 2026: This criminal revision petition is filed under Section 528 of B.N.S.S, 2023 to exempt the petitioner from his surrender



in C.A.No.380 of 2023 passed by the learned V-Additional District and Sessions Judge, Coimbatore dated 08.08.2025 confirming the judgment of the learned Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore in C.C.No.1630 of 2018 dated 12.09.2023.

For Petitioner:

Mr.M.N.Balakrishnan

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 08.08.2025 passed by the learned V-Additional District and Sessions Judge, Coimbatore in C.A.No.380 of 2023, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo three month Simple Imprisonment and to pay compensation of Rs.2,87,802/-, 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 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 issued a cheque for a sum of Rs.2,87,802/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'insufficient funds'; 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.

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 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 the petitioner shall deposit 50% of the cheque amount to the credit of C.C.No.1630 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial 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 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 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 a 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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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

NSL

To

1. The Judicial Magistrate, Fast Track Court at Magisterial Level-II,
Coimbatore.

2. The V-Additional District and Sessions Judge, Coimbatore.



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C.KUMARAPPAN, J.

NSL

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