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*Crl.M.P.Nos.1034 and 1036 of 2026
in Crl.R.C.No.161 of 2026*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2026

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

**Crl.M.P.Nos.1034 and 1036 of 2026
in
Crl.R.C.No.161 of 2026**

M.Kumarraja

-VS-

...Petitioner

R.Pushpa

...Respondent

PRAYER in Crl.M.P.No.1034 of 2026: Criminal Miscellaneous Petition filed under Section 438 (1) of BNSS, to suspend the sentence imposed in C.A.No.32 of 2024 on the file of the Additional District and Sessions Judge, Dharmapuri dated 19.12.2024 confirming the conviction and sentence in the judgment made in C.C.No.53 of 2016 on the file of the Judicial Magistrate, Fast Track Court at Magistrate Level, Dharmapuri dated 10.01.2024 pending disposal of the above Criminal Revision.



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For Petitioner : Mr.M.Vignesh

ORDER

Also to
exempt him from surrendering before the trial Court, pending disposal of the
Criminal Revision Case.

2. It is the case of the respondent that the petitioner had issued two
cheques for a total sum of Rs.4,00,000/- 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



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not make the payment; and hence liable for the said offence.

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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 which require consideration, and the fact that the petitioner is willing to deposit 50% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner and exempted him from surrendering before the trial Court, subject to the following conditions:

(i) The petitioner/Accused shall deposit 50% of the cheque amount to the credit of C.C.No.53 of 2016 on the file of learned Judicial Magistrate, Fast Track Court at Magistrate Level, Dharmapuri, within a period of four weeks from the date



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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 him 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, Fast Track Court at Magistrate Level, Dharmapuri;

(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



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absence, as directed by the Trial Court; and

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SUNDER MOHAN, J.

Mac

To

1. The Additional District and Session Court, Dharmapuri
2. The Judicial Magistrate,

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Crl.R.C.No.161 of 2026**

**29.01.2026
(2/2)**