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CrI.M.P.No.3150 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL MP Nos. 3150 & 3151 of 2026 in
CRL RC No. 409 of 2026**

Maanvizhi
W/o.Sivalingam,
D.No.5/1335-B TMS Colony Backside,
Lakkiyampatti, Dharmapuri - 636 705.

..Petitioner(s) in
both Petitions

Vs

Thiyagarajan
S/o.Mani,
D.No.9/38, 1st cross, east shanthi nagar, St.John
Bosco School (Opp), Denkanikottai, Hosur,
krishnagiri.

..Respondent(s) in
both Petitions

CRL MP No. 3150 of 2026

PRAYER : Petition filed under Section 438(1) of BNSS, to suspend the sentence of one year simple imprisonment and fine amount of Rs.29,00,000/ (Rupees Twenty Nine Lakhs Only) imposed on 30.5.2024 in STC No.165 of 2020 on the file of the learned Judicial Magistrate (Fast Track Court), Hosur, confirmed by the Judgment dated 11.11.2025 in CrI.A.No.22 of 2025 on the file of the learned Additional District Judge, Hosur pending disposal of the CrI.R.C.No.409 of 2026.

CRL MP No. 3151 of 2026

PRAYER : Petition filed under Section 528 of BNSS, to exempt the petitioner from surrendering in pursuant to the sentence imposed on 30.05.2024 in STC No.165 of 2020 on the file of the learned Judicial Magistrate (Fast Track Court), Hosur confirmed by the Judgment dated 11.11.2025 in CrI.A.No.22 of 2025 on



the file of the learned Additional District Judge, Hosur, pending disposal of the Crl.R.C.No.409 of 2026.

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For Petitioner(s): Mr.P.Selvakumar

Common Order

The petitioner has preferred the above revision challenging the judgment passed by the learned Additional District Judge, Hosur, in Crl.A.No.22 of 2025 dated 11.11.2025, confirming the judgment of the learned Magistrate convicting the petitioner for the offences under Sections 357 of Cr.P.C. and Section 138 of the Negotiable Instruments Act, and sentenced the petitioner to undergo 1 year SI and pay twice the amount of cheque as compensation within two months i/d to undergo 1 month SI. 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 two cheques for a sum of Rs.14,50,000/- towards discharge of liability; that when the said cheques were presented for encashment, they were returned unpaid for the reason 'Kindly contact Drawer / Drawee bank and please present again'; 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 her bona fides, the petitioner is willing to deposit Rs.3,00,000/- to the credit of the S.T.C.No.165 of 2020 and prayed for suspension of sentence and exempt the petitioner from surrendering before the Trial Court.

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 Rs.3,00,000/-, 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 shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakh only) to the credit of S.T.C.No.165 of 2020 on the file of the learned Judicial Magistrate, Fast Track Court, Hosur, 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 imposed on the petitioner alone 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 learned Judicial Magistrate, Fast Track Court, Hosur.

(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 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.

(vi) On the failure of the petitioner, depositing the above said amount, it is open to the Trial Court to commit the petitioner into custody for undergoing the sentence.



6. Accordingly, these Criminal Miscellaneous Petitions are
ordered.

23-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GSK

To

- 1.The Judicial Magistrate (Fast Track Court), Hosur.
- 2.The Additional District Judge, Hosur.
- 3.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN J.

GSK

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