



Crl.M.P. No. 273 of 2026
in
Crl.R.C. No. 40 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P. No. 273 of 2026

in

Crl.R.C. No. 40 of 2026

S. Indirani,
W/o. Sivakumar,
No. 25./1/12B, V. Nagar,
Road No.9, Rasipuram,
Namakkal District.

..Petitioner

Vs.

D. Gunasekaran,
S/o. Duraiswamy,
C/o. Jeevanandham,
No. 213/122,
Panduranga Vittal Street,
Karungangalpatti,
Salem District.

..Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS to suspend the execution of sentence passed by judgment dated 24.11.2025 in Crl.A. No. 232 of 2024 by the learned I Additional District



Crl.M.P. No. 273 of 2026
in
Crl.R.C. No. 40 of 2026

and Sessions Judge, Salem, confirming the conviction and sentence imposed by judgment dated 16.05.2024 in S.T.C. No. 4581 of 2022 by the learned Judicial Magistrate No.III, Salem and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

For Petitioner :: Mr.S.P. Venkates

ORDER

The petitioner has preferred the above revision challenging the judgment dated 24.11.2025 passed by the learned I Additional District and Sessions Judge, Salem, in Crl.A.No.232 of 2024 confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing her to undergo simple imprisonment for a period of six months and to pay a fine of Rs.3000/- carrying a default sentence of simple imprisonment for 45 days besides directing the petitioner to pay compensation of Rs.3,00,000/-. The instant petition has been filed to suspend the sentence imposed on the petitioner.



Crl.M.P. No. 273 of 2026
in
Crl.R.C. No. 40 of 2026

WEB COPY

2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.3,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned stating '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 80% 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



Crl.M.P. No. 273 of 2026
in
Crl.R.C. No. 40 of 2026

revision which require consideration, and the fact that the petitioner is willing to deposit 80% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner, subject to the following conditions:

(i) The petitioner/Accused shall deposit 80% of the cheque amount to the credit of S.T.C. No. 4581 of 2022 on the file of learned Judicial Magistrate No.III, Salem, 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 learned Judicial Magistrate No.III, Salem;



WEB COPY



Crl.M.P. No. 273 of 2026
in
Crl.R.C. No. 40 of 2026

(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; and

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

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

nv

09.01.2026
2/2

5\6



WEB COPY



Crl.M.P. No. 273 of 2026
in
Crl.R.C. No. 40 of 2026

SUNDER MOHAN,J.

nv

To

1. The I Addl. District and Sessions Judge,
Salem.
2. The Judicial Magistrate No.III, Salem.
3. D. Gunasekaran,
S/o. Duraiswamy,
C/o. Jeevanandham,
No. 213/122,
Panduranga Vittal Street,
Karungangalpatti,
Salem District.

Crl.M.P. No. 273 of 2026
in
Crl.R.C. No. 40 of 2026

09.01.2026