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Crl.M.P.No.214 of 2026
in Crl.R.C.No.31 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2026

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.No.214 of 2026
in
Crl.R.C.No.31 of 2026

S.Sudhamani

...Petitioner

-VS-

S.Premkumar

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of BNSS, to suspend the sentence imposed on the petitioner in Crl.A.No.460 of 2023 dated 08.10.2025 by the learned II Additional District and Sessions Judge at Erode as well as the Judgment of conviction passed in S.T.C.No.3 of 2021 dated 18.08.2023 by the learned Judicial Magistrate, Fast Track Court II, Erode, pending disposal of the criminal revision petition.

For Petitioner : Mr.K.Shyam Sunder

ORDER

This Criminal Miscellaneous Petition has been filed seeking to



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suspend the sentence passed by the learned II-Additional District and Sessions Judge at Erode, in Crl.A.No.460 of 2023 dated 08.10.2025, confirming the judgment of conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court II, Erode, in STC.No.3 of 2021 dated 18.08.2023.

2. It is the case of the respondent that towards discharge of liability, the petitioner had issued a cheque for Rs.3,00,000/- to the respondent and when the said cheque was presented for collection, the same was returned for the reason 'Funds Insufficient' and inspite of the statutory notice, the petitioner did not pay the cheque amount.

3. The petitioner was convicted by the trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo three months simple imprisonment and to pay Rs.3,00,000/- (Cheque Amount) as compensation, in default to undergo simple imprisonment for a further period of one month.

4. Challenging the above conviction and sentence, the



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petitioner/Accused preferred Crl.A.No.460 of 2023. The appellate Court, vide judgment dated 08.10.2025 confirmed the judgment of conviction and sentence passed by the trial Court.

5. Aggrieved by the above judgment of the Appellate Court, the petitioner/accused has preferred this Revision. Pending revision, the petitioner has sought for suspension of sentence in this Criminal Miscellaneous Petition.

6. The learned counsel for the petitioner/accused submitted that the petitioner has raised substantial grounds in the revision, which requires consideration; and that to show his *bona fide*, he is willing to deposit 50% of the cheque amount; and prayed for suspension of sentence.

7. Heard the learned counsel for the petitioner and perused the materials available on record.

8. Considering the submissions made by the learned counsel for the



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petitioner that there are substantial grounds in the above revision which requires 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 by the Trial Court, subject to the following conditions, till the disposal of the above Criminal Revision Case:

(i) The petitioner/Accused shall deposit 50% of the cheque amount, to the credit of STC.No.3 of 2021 on the file of the learned Judicial Magistrate, Fast Track Court II, Erode, 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 likesum to the satisfaction of the learned Judicial Magistrate, Fast Track Court II, Erode;

(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



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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 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.

9. Accordingly, this Criminal Miscellaneous Petition is ordered.

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SUNDER MOHAN, J.

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To

- 1.The II Additional District and Sessions Judge, Erode
- 2.The Judicial Magistrate, Fast Track Court II, Erode
- 3.The Public Prosecutor,
High Court, Madras.

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