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Crl.MP No. 3251 of 2
in Crl.RC.No.428 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**CRL MP No. 3251 of 2026
in Crl.R.C.No.428 of 2026**

1. Mr.K.Murugesan
S/o.Kanniyan, Both residing at No.1/42,
chelliamman koil street,
chittukadu village,
vayanallur, poonamallee,
chennai - 600 072.

2.Mrs.M.Nagavalli
W/o.Murugesan,
(now confined at Central Prison,
Women Cell Puzhal Chennai)
Both residing at No.1/42,
chelliamman koil street,
chittukadu village,
vayanallur, poonamallee,
chennai - 600 072

...Petitioner(s)

Vs.

Mr.M.Kumarasamy
S/o.Madhavaraj, No.60/b,
senai thalivar street,
madhanakuppam,
kolathur, chennai - 600 099.

...Respondent(s)

PRAYER: Criminal Miscellaneous Petition is filed under Section 348 r/w 542 of BNSS, 2023, to suspend the sentence as against the petitioners imposed by the Trial Court in S.T.C.No.6292 of 2023 on the file of the learned XXVI Metropolitan Magistrate, Egmore, Chennai dated 04.10.2024 which was subsequently confirmed by the appellant court in C.A.No.863 of 2024 on the file of the learned V-Additional Sessions Judge, City Civil Court, Chennai dated 29.09.2025, pending disposal of the above criminal revision petition.



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For petitioners : Mr.R.Ganesh Babu
For Respondent : Mr.Shamugha Velayutham

ORDER

The petitioners have preferred the above revision challenging the judgment dated 29.09.2025 passed by the learned V-Additional Sessions Judge, City Civil Court, Chennai, in Crl.A.No.863 of 2024 confirming the judgment of the learned Magistrate convicting the petitioners for the offence under Section 138 of the Negotiable Instruments Act, 1881, and sentencing them to undergo simple imprisonment for a period of six months, with a default sentence of simple imprisonment for fifteen days besides directing the petitioners jointly to pay compensation of Rs.10,00,000/-. The instant petition has been filed to suspend the sentence imposed on the petitioners.

2. It is the case of the respondent that the petitioners had issued a cheque for a sum of Rs.10,00,000/- 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 petitioners did not make the payment; and hence liable for the said offence.

3. The learned counsel for the petitioners would submit that the parties have entered into a compromise, by which the respondent has agreed to receive



Rs.5,00,000/- in full and final settlement of all his claims; that the petitioners have already paid a sum of Rs.2,00,000/- and have agreed to pay a sum of Rs.3,00,000/- within a period of ten days; that the second petitioner is in custody from 27.01.2026 and prayed for grant suspension of sentence imposed on the petitioners and consequently to release the second petitioner on bail.

4. The respondent is present in person, identified by his counsel and confirms the compromise. The joint compromise memo dated 20.02.2026 is taken on file.

5. Considering the aforesaid submissions of the learned counsel for the petitioners that the parties have entered into a compromise and that second petitioner is in custody from 27.01.2026, this Court is inclined to suspend the sentence imposed on the petitioners and release the second petitioner on bail, subject to the following conditions:

- (i) The petitioners shall execute each bond for a sum of Rs.10,000/- with two sureties, each for a like sum to the satisfaction of the learned XXVI Metropolitan Magistrate, Egmore, Chennai;
- (ii) The petitioners 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; and

(iii) The petitioners 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 case and if they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

6. The Criminal Miscellaneous Petition is ordered, accordingly.

20-02-2026

Upload the order copy forthwith.
Mac

SUNDER MOHAN J.



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To

1. The XXVI metropolitan magistrate, Egmore, Chennai
2. The V-Additional Sessions Judge, City Civil Court, Chennai
1. The Superintendent of Prison, Central Prison, Women Cell, Puzhal, Chennai.

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