



Crl.M.P.No.23491 of 2025
in Crl.R.C.No.2682 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.No.23491 of 2025
in
Crl.R.C.No.2682 of 2025

Arunachala Annamalaiyan Builders,
Rep. By its Proprietor, Mr.A.K.Palanisamy,
No.13, Parameswaran Nagar,
2nd Street, Shenoy Nagar,
Chennai.

...Petitioner

-VS-

Tmt.P.Adhilakshmi

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438 (1) of BNSS, to suspend the sentence imposed by the learned XVIII Additional City Civil Court Chennai, in Crl.A.No.466 of 2024 dated 13.03.2025, confirming the judgment in STC.No.330 of 2023 dated 03.06.2024 on the file of the learned XXVI Metropolitan Magistrate, Egmore, Chennai.



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For Petitioner : Mr.V.Jeyaprakasham

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence passed by the learned XVIII Additional City Civil Court, Chennai, in Crl.A.No.466 of 2024 dated 13.03.2025, confirming the judgment of conviction and sentence passed by the learned XXVI Metropolitan Magistrate, Egmore, Chennai, in STC.No.330 of 2023 dated 03.06.2024.

2. The case of the respondent is that the petitioner had issued two cheques for each Rs.7,00,000/- towards discharge of the liability, and when the said cheques were presented for collection, it was returned for the reason “Funds Insufficient” and in spite of statutory notice, the petitioner did not pay the cheque amount.



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3. The petitioner/Accused in S.T.C.No.330 of 2023 was convicted by the Trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for six months with compensation of a sum of Rs.14,00,000/-, in default, to undergo Simple Imprisonment for 15 days.

4. Challenging the above conviction and sentence, the petitioner/accused preferred an appeal in Crl.A.No.466 of 2024 before the learned XVIII Additional Judge, City Civil Court, Chennai. The Appellate Court, vide judgment dated 13.03.2025, dismissed the appeal filed by the petitioner/accused and confirmed the conviction and sentence imposed 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



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Miscellaneous Petition.

6. The learned counsel for the petitioner/accused submitted that the petitioner has raised substantial grounds in the revision, which requires consideration; that the petitioner has already deposited 10% of the cheque amount; and that to show his *bona fide*, he is willing to deposit further sum equivalent to 10% 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 petitioner that there are substantial grounds in the above revision which requires consideration and the fact that the petitioner is willing to deposit 10% of the cheque amount, this Court is inclined to suspend the sentence



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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 10% of the cheque amount, i.e., Rs.70,000/- [Rupees Seventy Thousand Only), to the credit of STC.No.330 of 2023 on the file of the learned XXVI Metropolitan Magistrate, Egmore, Chennai, 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 XXVI Metropolitan Magistrate, Egmore, Chennai;



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(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 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 XVIII Additional City Civil Court,
Chennai.
- 2.The XXVI Metropolitan Magistrate,
Egmore, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

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