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Crl.M.P.Nos.23192 & 23190 of 2025
in Crl.R.C.No.2646 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.Nos.23192 & 23190 of 2025

in

Crl.R.C.No.2646 of 2025

M.K.Kumaresan

... Petitioner/Accused

Vs.

A.Purushothaman

... Respondent/Respondent

PRAYER : Criminal Miscellaneous Petitions filed under Section 438 of BNSS, to suspend the sentence imposed in Crl.A.No.795 of 2024 dated 11.09.2025 on the file of the learned XIX Additional City Civil Court, Chennai, confirming the judgment in STC.No.2802 of 2024 dated 20.09.2024 on the file of the learned Metropolitan Magistrate, Fast Track Court II, Allikulam, Egmore, Chennai and to also to exempt him from surrendering before the trial Court, pending disposal of the Criminal Revision Case.

For petitioner : Mr.D.Vijay Krishna

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner/Accused by judgment dated 20.09.2024 passed in STC.No.2802 of 2024 by the learned



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Metropolitan Magistrate, Fast Track Court II, Allikulam, Egmore,
Chennai and confirmed vide judgment dated 11.09.2025 in C.A.No.795
of 2024, by the learned XIX Additional City Civil Court, Chennai.

2. It is the case of the respondent/complainant that the petitioner borrowed a sum of Rs.3,00,000/- from the respondent; that towards the discharge of petitioner's liability, he had issued a cheque for a sum of Rs.3,00,000/- and when the said cheque was presented for encashment, the same was returned unpaid for the reason 'funds insufficient'; and that despite statutory notice, the petitioner had not paid the cheque amount.

3. The petitioner/Accused was convicted by the trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for six months and to pay Rs.3,00,000/- as compensation to the complainant and in default to undergo simple imprisonment for a further period of two months.

4. Challenging the above conviction and sentence, the petitioner/Accused preferred Crl.A.No.795 of 2024. The appellate Court, vide judgment dated 11.09.2025 confirmed the judgment of conviction and sentence passed by the trial Court.



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5. Aggrieved by the same the petitioner/accused has preferred Crl.R.C.No.2646 of 2025 and pending revision has sought for suspension of sentence and to exempt him from surrendering before the trial Court, in these Criminal Miscellaneous Petitions.

6. The learned counsel for the petitioner/accused submitted that the petitioner had raised substantial grounds in the revision, which require consideration; that substantial part of the debt had already been repaid by the petitioner; and that to show his *bona fides*, he is willing to deposit a sum equivalent to the 30% of the cheque amount; and prayed for suspension of sentence and to exempt him from surrendering before the trial Court.

7. Considering the fact that there are arguable points raised in the revision; that the revision is not likely to be taken up in the near future; and that the petitioner/Accused is willing to deposit a sum equivalent to 30% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner herein/Accused and also exempt him from surrendering before the trial Court.



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8. Accordingly, this Criminal Miscellaneous Petitions are allowed and till the disposal of the Criminal Revision case, the sentence imposed upon the petitioner/Accused by the trial Court, is suspended and he is exempted from surrendering before the trial Court, on the following conditions:

(i) The petitioner/Accused shall deposit equivalent to 30% of the cheque amount i.e., Rs.90,000/- [Rupees ninety Thousand Only), to the credit of STC.No.2802 of 2024 on the file of the learned Metropolitan Magistrate, Fast Track Court II, Allikulam, 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 Cases;

(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 Metropolitan Magistrate, Fast Track Court II, Allikulam, 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 she 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 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.

08.12.2025

vrc

Issue order copy by ..12.2025.
Upload the order copy forthwith.

To

1. The XIX Additional Judge,
City Civil Court, Chennai.
2. The Metropolitan Magistrate, Fast Track Court – II,
Allikulam, Egmore, Chennai.



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SUNDER MOHAN, J.

VTC

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