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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**CRL MP Nos. 47 & 48 of 2026 in
CRL RC No. 2900 of 2025**

Mukesh
V.J.Engineers,
No.1, Rams Apartment, No.78,
Rameshwaram road,
T.Nagar, Chennai - 600 017.

Petitioner(s)

Vs

M/s.S.D.Saw Mill And Plywoods
Director Karthikeyan, 144/211,
Sydenhams road, Periyampet,
Chennai - 600 003.

Respondent(s)

CRL MP No. 47 of 2026

PRAYER: Criminal Miscellaneous Petition filed under Section 438 (1) of BNSS to suspend the sentence passed by the XIX Additional Sessions Judge at Chennai in C.A.No.420 of 2024 on 17.07.2025 confirming the Judgment of conviction and sentence passed by the learned XXVI Metropolitan Magistrate Court at Egmore, Chennai in C.C.No.5816 of 2019 dated 23.05.2024 and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

CRL MP No. 48 of 2026

PRAYER:Criminal Miscellaneous Petition filed under Section 528 of BNSS praying to exempt from surrendering of the petitioner before the XIX Additional Sessions Judge at Chennai pursuant to the order passed in C.A.No.420 of 2024 on 17.07.2025 confirming the Judgment of conviction and sentence passed by learned XXVI Metropolitan Magistrate Court at Egmore, Chennai in C.C.No.5816 of 2019 dated 23.05.2024.

For Petitioner(s): Mr.M.Jaikumar



COMMON ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned XIX Additional Judge, City Civil Court, Chennai in C.A.No.420 of 2024, dated 17.07.2025, confirming the judgment of the learned XXVI Metropolitan Magistrate, Egmore, Chennai, convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo three months Simple Imprisonment and to pay the cheque amount of Rs.5,29,600/- as compensation to the complainant, in default, to undergo 15 days Simple Imprisonment. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the above revision.

2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.5,29,600/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'insufficient funds'; that in spite of the legal 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 his bona fides, the petitioner is willing to deposit 30% of the cheque amount.

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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 revision which require consideration, and the fact that the petitioner is willing to deposit 30% of the cheque amount, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the Trial Court, subject to the following conditions:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit 30% of the cheque amount to the credit of C.C.No.5816 of 2019 on the file of the learned XXVI Metropolitan Magistrate Court at 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 Trial Court.

(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 a 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 that 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.

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

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

06-01-2026

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To

1. The XIX Additional Sessions Judge,
Chennai.

2. The XXVI Metropolitan Magistrate Court,
Egmore, Chennai.



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SUNDER MOHAN, J.

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