



Crl.M.P. Nos. 2382 & 2383 of 2026
in
Crl.R.C. No. 322 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P. Nos. 2382 & 2383 of 2026
in
Crl.R.C. No. 322 of 2026

K.Mathanraj

..Petitioner

Vs.

S.Saravanan

..Respondent

Prayer in Crl.M.P.No.2382/2026:Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023 to suspend the sentence imposed upon the petitioner by the learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai made in S.T.C.No.1764 of 2022 by its judgment dated 05.12.2024 and the same was confirmed by the learned XIX Additional City Civil Court at Chennai in Crl.A.No.17 of 2025 and enlarge him on bail, till the disposal of the pending the above criminal revision petition.



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Prayer in Crl.M.P.No.2383/2026:Criminal Miscellaneous Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to exempt from surrendering before the trial Court for considering/admitting revision petition and suspend the sentence petition filed before this Hon'ble Court against the judgement of the Learned Metropolitan Magistrate Fast Track Court at Magisterial Level-IV, George Town, Chennai made in S.T.C.No.1764 of 2022 by its judgment dated 05.12.2024 and the same was confirmed by the learned XIX Additional City Civil Court at Chennai in Crl.A.No.17 of 2025 till the disposal of the above criminal revision petition.

For Petitioner :: Mr.S.M.Nandhie Devhan

ORDER

The petitioner has preferred the above revision challenging the judgment dated 11.09.2025 passed by the learned XIX Additional City Civil Court, Chennai in Crl.A.No.17 of 2025 confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing the petitioner to undergo simple imprisonment for a period of four months and to pay a sum



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of Rs.4,00,000/- to the complainant as compensation, along with 3% per annum interest from the date of dishonour till date of judgment, in default, to undergo two weeks 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.4,00,000/- 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 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 50% 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 50% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner and exempt the petitioner from surrendering before the Trial Court, subject to the following conditions:

(i) The petitioner/Accused shall deposit 50% of the cheque amount to the credit of STC. No. 1764 of 2022 on the file of learned Metropolitan Magistrate, Fast Track Court at Magisterial Level – IV, George Town, 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



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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 second petitioner/Accused shall be suspended, on him 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 at Magisterial Level – IV, George Town ;

(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



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(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.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

Tsg

12.02.2026
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To

1. The Metropolitan Magistrate, Fast Track Court at Magisterial Level – IV, George Town
2. The XIX Additional City Civil Court, Chennai.



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SUNDER MOHAN,J.

Tsg

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