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Crl.M.P. Nos. 2036 & 2037 of 2026
in
Crl.R.C. No. 289 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2026

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P. Nos. 2036 & 2037 of 2026
in
Crl.R.C. No. 289 of 2026

1. Mr. Muthukumar
Partner of M/s. D.J. Infra &
Constructions,
No.3, Tharageswari Nagar,
Sembakkam, Chennai – 600 073.

2. M/s.D.J. Infra & Constructions,
rep.by its Partner Muthukumar,
No.3, Tharageswari Nagar,
Sembakkam, Chennai – 600 073.

..Petitioners

Vs.

M/s. NCC Limited,
(Formerly Nagarjuna Construction
Company Limited),
8th Floor, No.190A, Pettukola Towers,
P.H. Road, Kilpauk, Chennai – 600 010
rep.by its Manager (Co-ordination/
Authorized Signatory),
Mr.K. Khader Basha

...Respondent



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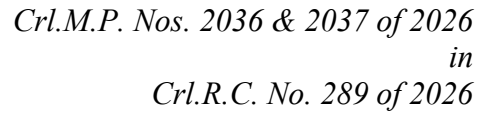
PRAYER in Crl.M.P.No.2036 of 2026: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS to suspend the sentence imposed on the 1st petitioner by judgment dated 08.11.2024 passed in C.C. No. 5979 of 2012 by the learned XIX Metropolitan Magistrate, Egmore at Allikulam, Chennai 03, confirmed by judgment dated 24.09.2025 passed in Crl.A. No. 975 of 2024 by the learned XVI Additional Sessions Judge, City Civil Court, Chennai and release the 1st petitioner on bail pending disposal of the criminal revision petition.

PRAYER in Crl.M.P.No.2037 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt the petitioner herein from surrendering before the Trial Court pursuant to the judgment dated 24.09.2025 passed in Crl.A. No. 975 of 2024 by the learned XVI Additional Sessions Judge, City Civil Court, Chennai confirming the conviction and sentence imposed by judgment dated 08.11.2024 passed in C.C. No. 5979 of 2012 by the XIX Metropolitan Magistrate, Egmore @ Allikulam, Chennai, pending disposal of the criminal revision petition.

For Petitioner : Mr.S.V.D. Rajendra Prasad

COMMON ORDER

The petitioners have preferred the above revision challenging the judgment dated 24.09.2025 passed in Crl.A. No. 975 of 2024 by the learned XVI Additional Sessions Judge, City Civil Court, Chennai confirming the



2. It is the case of the respondent that the 1st petitioner had issued a cheque for a sum of Rs.8,34,970/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason that the account was blocked; that in spite of the statutory notice, the 1st petitioner did not make the payment; and hence liable for the said offence.

3. The learned counsel for the petitioners would submit that the petitioners have raised substantial grounds in the above revision; that the petitioners have 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



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1st petitioner is willing to deposit 50% of the cheque amount.

4. Heard the learned counsel for the petitioners and perused the materials available on record.

5. Having regard to the submission made by the learned counsel for the petitioners that there are substantial grounds raised in the above revision which require consideration, and the fact that the 1st petitioner is willing to deposit 50% of the cheque amount, this Court is inclined to grant suspension of sentence and exempt the 1st petitioner from surrendering before the Trial Court, pending disposal of the revision, subject to the following conditions:

(i) The 1st petitioner is ordered to be enlarged on bail, on condition that the 1st petitioner shall deposit 50% of the cheque amount to the credit of C.C. No. 5979 of 2012 on the file of the learned XIX Metropolitan Magistrate, Egmore @ Allikulam, Chennai, within a period of four weeks from the date of receipt of a copy of this order.



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(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 1st petitioner/1st 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 1st 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 1st 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 that day, he



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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 1st petitioner/1st accused, depositing the above said amount, it is open to the Trial Court to commit the 1st petitioner/1st accused into custody for undergoing the sentence.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

09.02.2026
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To

1. The XVI Additional Sessions Judge,
City Civil Court, Chennai.
2. The XIX Metropolitan Magistrate,
Egmore @ Allikulam, Chennai.

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