



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CRL MP Nos.4399 & 4400 of 2026

in

CRL RC No.580 of 2026

N.M.Bhaskaran

Petitioner(s)

Vs

E.A.Liaquth Ali

Respondent(s)

PRAYER in CrI.M.P.No.4399 of 2026: This Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, 2023, to pass an order suspending the sentence passed in C.C.No. 6653 of 2016 dated 15.11.2024 on the file of the Learned XIX Metropolitan Magistrate, Egmore at Allikulam, Chennai as confirmed in CrI.A.No.989 of 2024 dated 12.11.2025 on the file of the Learned XVII Additional Judge, City Civil Court, Chennai and enlarge the petitioner on bail on such terms and conditions as may be deemed fit and necessary pending disposal of the above Criminal Revision Petition.

PRAYER in CRL MP No. 4400 of 2026: This Criminal Miscellaneous Petition filed under Section 528 of BNSS, to pass an order granting exemption for the petitioner from surrendering before the learned XIX Metropolitan Magistrate, Egmore at Allikulam, Chennai in C.C.No.6653 of 2016 in terms of the sentence as confirmed in CrI.A.No. 989 of 2024 dated 12.11.2025 on the file of the Learned XVII Additional Judge, City Civil Court, Chennai pending disposal of the above Criminal Revision Petition.

For Petitioner(s): Mr.R.Natarajan



COMMON ORDER

WEB COPY

The petitioner has preferred the above revision challenging the judgment passed by the learned XVII Additional Judge, City Civil Court, Chennai, in CrI.A.No.989 of 2024 dated 12.11.2025, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo simple imprisonment for a period of two years under Section 255(2) of Cr.P.C and to pay the cheque amount of Rs.26,64,000/- as compensation within 8 weeks from the date of judgment and in default to pay the compensation, the accused/petitioner shall undergo simple imprisonment for a further period of two months. 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.26,64,000/- 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 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 40% of the cheque amount.

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 40% 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 40% of the cheque amount to the credit of C.C.No.6653 of 2016 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.

(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 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.

WEB COPY

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

09-03-2026

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. XIX Metropolitan Magistrate, Egmore @ Allikulam,
Chennai.

2. The Public Prosecutor,
Madras High Court, Chennai.



WEB COPY



C.KUMARAPPAN J.

jd

CRL MP Nos.4399 & 4400 of 2026

09-03-2026