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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP No. 4121 & 4122 of 2026

IN

CRL RC NO. 541 OF 2026

N.M.Bhaskaran

..Petitioner in both
Crl.M.Ps

Vs

E.A.Liaquth Ali

..Respondent in both
Crl.M.Ps

CRL MP No. 4121 of 2026

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, to pass an order suspending the sentence passed in CC.No.1983 of 2015 dated 15.11.2024 on the file of the learned XIX Metropolitan Magistrate, Egmore at Allikulam, Chennai as confirmed in Crl.A.No.990/2024 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.

CRL MP No. 4122 of 2026

PRAYER: 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 CC.No.1983 of 2015 in terms of the sentence as confirmed in Crl.A.No.990/2024 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:

Mr.R.Natarajan

COMMON ORDER

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The petitioner has preferred the above revision challenging the judgment dated 12.11.2025 passed by the learned XVII Additional Judge, City Civil Court, Chennai in Crl.A.No.990 of 2024, 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 two year Simple Imprisonment and to pay compensation of Rs.2,00,000/-, and in default to undergo Simple Imprisonment for 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.2,00,000/- 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.1983 of 2015 on the file of the learned XIX Metropolitan Magistrate, Egmore at Allikulam, Chennai, on or before 08.04.2026.

(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 like sum 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. Call the matter on **09.04.2026**.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The XIX Metropolitan Magistrate, Egmore at Allikulam, Chennai
2. The XVII Additional Judge, City Civil Court, Chennai



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C.KUMARAPPAN, J.

NSL

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IN
CRL RC NO. 541 OF 2026**

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