



Crl.M.P.No.1350 of 2026
in Crl.R.C.No.200 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2026

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

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in
Crl.R.C.No.200 of 2026

1.M/s.Dhanalakshmi Marketing,
Rep. By its Partners,
No.128, Pillayar Kovil Street,
Kangeyanallur,
Vellore – 632 006.

2.Sasikumar,
Partners of M/s.Dhanalakshmi Marketing,
No.128, Pillayar Kovil Street,
Kangeyanallur,
Vellore – 632 006.

3.Dhanalakshmi,
Partners of M/s.Dhanalakshmi Marketing,
No.128, Pillayar Kovil Street,
Kangeyanallur,
Vellore – 632 006.

...Petitioners

-VS-

M/s.Orient Appliances,
Rep. By its Proprietor,
Rishi Jalan,
No.6, 3rd Floor, Wellington Estate,
No.53, Ethiraj Salai, Egmore,
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Chennai – 600 008.
Rep. By its Power Agent,
Ram Narayan Pareek,
S/o.Ram Richpal,
A2, Enriches Apartments,
No.9, Bazzar Road, Varadharajapuram,
Thiruvallur – 600 053.

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 438(1) of BNSS Act, praying to suspend the sentence imposed in C.C.No.1131 of 2021 on the file of the learned XXV Metropolitan Magistrate, Egmore, dated 24.01.2025 and confirmed in Crl.A.No.289 of 2025 on the file of the learned XIX Additional City Civil Court, Chennai, dated 29.10.2025 and enlarge the petitioners on bail, pending disposal of the present Criminal Revision Case.

For Petitioners : Mr.B.Prashanth Nadaraj

ORDER

The petitioners have preferred the above revision challenging the judgment passed by the learned XIX Additional City Civil Court, Chennai, in Crl.A.No.289 of 2025 dated 29.10.2025, confirming the judgment of the learned Magistrate convicting the petitioners 2 and 3 for the offence under Section 138 of the Negotiable Instruments Act, and sentenced A2 and A3 to undergo six months Simple Imprisonment and to pay a compensation of



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Rs.6,00,000/-, in default, to undergo further Simple Imprisonment for one and half month. The instant petition has been filed to suspend the sentence imposed on the petitioners.

2. It is the case of the respondent that the first petitioner represented by its partners, petitioners 2 and 3, had issued a cheque for a sum of Rs.6,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'Payment Stopped by Drawer'; that in spite of the statutory notice, the petitioners 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 their bona fides, the petitioners are willing to deposit a sum of Rs.2,50,000/-.

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



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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 petitioners are willing to deposit a sum of Rs.2,50,000/-, this Court is inclined to suspend the sentence imposed on the petitioners, subject to the following conditions:

(i) The petitioners/A1 to A3 shall deposit a sum of Rs.2,50,000/- (Rupees Two Lakh Fifty Thousand only) to the credit of C.C.No.1131 of 2021 on the file of the learned XXV Metropolitan Magistrate, 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 petitioners 2 and 3 / A2 and A3 shall be suspended, on their executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned XXV Metropolitan Magistrate, Egmore, Chennai;



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(iv) The petitioners 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 petitioners 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 they are not able to appear before the Trial Court on any day, they 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 their absence, as directed by the Trial Court; and

(vi) On the failure of the petitioners 2 and 3 / A2 and A3, depositing the said amount, it is open to the Trial Court to commit the petitioners 2 and 3 / A2 and A3 into custody for undergoing the sentence.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

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SUNDER MOHAN, J.

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To

1.The XXV Metropolitan Magistrate, Egmore, Chennai.

2.The XIX Additional City Civil Court, Chennai.

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