



Crl.M.P.No.1638 of 2026
in Crl.R.C.No.241 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2026

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.No.1638 of 2026
in
Crl.R.C.No.241 of 2026

M.Chellam

...Petitioner

-VS-

P.S.Kishore

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS Act, praying to suspend the sentence in C.A.No.915 of 2024 on the file of the learned XIX Additional City Civil Judge, Chennai, dated 30.10.2025 confirmed the judgment in S.T.C.No.2704 of 2022 on the file of the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai, dated 23.10.2024 and enlarge the petitioner on bail till the disposal of the criminal revision petition.

For Petitioner : Mr.M.Murali



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Crl.M.P.No.1638 of 2026
in Crl.R.C.No.241 of 2026

ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned XIX Additional City Civil Judge, Chennai, in Crl.A.No.915 of 2024 dated 30.10.2025, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced her to undergo one month Simple Imprisonment and to pay compensation of Rs.50,000/-, in default, to undergo further Simple Imprisonment for one week. The instant petition has been filed to suspend the sentence imposed on the petitioner.

2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.50,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason '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



Crl.M.P.No.1638 of 2026
in Crl.R.C.No.241 of 2026

rebutted the statutory presumption; that the judgment of the Courts below are liable to be set aside; and that, to show her bona fides, the petitioner is willing to deposit Rs.25,000/- to the credit of the S.T.C.No.2704 of 2022 and prayed for suspension of sentence.

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 Rs.25,000/-, this Court is inclined to suspend the sentence imposed on the petitioner, subject to the following conditions:

(i) The petitioner/Accused shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of S.T.C.No.2704 of 2022 on the file of the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai, within a period of four weeks from the date of receipt of a copy of this order;



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Crl.M.P.No.1638 of 2026
in Crl.R.C.No.241 of 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 her 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-IV, George Town, Chennai;

(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 she is not able to appear before the Trial Court on any day, she shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court



Crl.M.P.No.1638 of 2026
in Crl.R.C.No.241 of 2026

on any other day in lieu of the date of her absence, as directed by
the Trial Court; and

(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, this Criminal Miscellaneous Petition is ordered.

12.02.2026
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cda

To

- 1.The Metropolitan Magistrate, Fast Track Court-IV,
George Town, Chennai.
2. The XIX Additional City Civil Judge, Chennai.



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Crl.M.P.No.1638 of 2026
in Crl.R.C.No.241 of 2026

SUNDER MOHAN, J.

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Crl.M.P.No.1638 of 2026
in
Crl.R.C.No.241 of 2026

12.02.2026
(2/3)