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Crl.M.P. No. 1983 of 2026
in
Crl.R.C. No. 282 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. No. 1983 of 2026
in
Crl.R.C. No. 282 of 2026

M. Antony

..Petitioner

Vs.

I. Manigandan

...Respondent

PRAYER in Crl.M.P.No.1983 of 2026: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS to suspend the sentence imposed on the petitioner by judgment dated 06.06.2024 passed in C.C. No. 1571 of 2021 by the learned Metropolitan Magistrate, Fast Track Court No.2, Egmore @ Allikulam, Chennai and confirmed by judgment dated 14.11.2025 passed in Crl.A. No. 439 of 2024 by the learned I Additional Sessions Judge, City Civil Court at Chennai and enlarge the petitioner on bail pending disposal of the revision.

For Petitioner : Mr.K. Murali



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ORDER

The petitioner has preferred the above revision challenging the judgment dated 14.11.2025 passed in Crl.A. No. 439 of 2024 by the learned I Additional Sessions Judge, City Civil Court, Chennai confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing him to undergo simple imprisonment for a period of six months and to pay compensation of Rs. 3,50,000/-, in default, to undergo simple imprisonment for two months. The instant petition has been filed to suspend the sentence imposed on the petitioner, pending disposal of the above revision.

2. It is the case of the respondent that the petitioner had issued three cheques dated 05.02.2020 bearing Nos. 470372 (for Rs.1 lakh), 470373 (for Rs.1 lakh) and 470374 (for Rs.1.5 lakhs) 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 petitioner did not make the payment; and hence liable for the said offence.



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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 50% 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 50% of the cheque amount, this Court is inclined to grant suspension of sentence , pending disposal of the revision, subject to the following conditions:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit 50% of the cheque amount to the credit of C.C. No. 1571 of



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2021 on the file of learned Metropolitan Magistrate, Fast Track Court No.2, 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 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;



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(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 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, this criminal miscellaneous petition is ordered.

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To

1. The I Additional Sessions Judge,
City Civil Court, Chennai.

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SUNDER MOHAN,J.

nv

2. The Metropolitan Magistrate,
FTC No.2, Egmore @ Allikulam,
Chennai.

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