



WEB COPY

CRL MP No. 6692 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP No. 6692 of 2026

IN

CRL RC NO. 859 OF 2026

R.Mythili

..Petitioner(s)

Vs

J.Ponni

..Respondent(s)

Prayer:- Criminal Miscellaneous Petition is filed under Section 528 of BNSS, pleaded to suspend the sentence imposed on the petitioner in the judgement dated 06.01.2025 in C.A.No.165 of 2024 passed by the learned XVIII Additional City Civil Judge, Chennai confirming the judgement dated 29.01.2024 in S.T.C.No.2376 of 2022 passed by the learned Fast Track Court I, Metropolitan Magistrate, Allikulam, Chennai

For Petitioner(s):

Mr.S.Sabarish

ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned XVIII Additional City Civil Judge, Chennai, in Crl.A.No.165 of 2024 dated 06.01.2025, confirming the judgment of the learned Fast Track I, Metropolitan Magistrate, Allikulam, Chennai in S.T.C.No.2376 of 2022 dated 29.01.2024 convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo one year simple imprisonment with fine of double the cheque amount. 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.11,25,000/- 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 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 50% of the cheque amount to the credit of the S.T.C.No.2376 of 2022 and prayed for suspension of sentence.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent, 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 suspend the sentence imposed on the petitioner, subject to the following conditions:



(i) The petitioner/Accused shall deposit 50% of the cheque amount to the credit of S.T.C.No.2376 of 2022 on the file of the learned Fast Track Court I, Metropolitan Magistrate, Allikulam, Chennai, within a period of six 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/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of the learned Fast Track Court I, Metropolitan Magistrate, Allikulam, 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 he is not able to appear before the Trial Court on any 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; 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.

16-04-2026

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To

1. The Fast Track Court I, Metropolitan Magistrate,
Allikulam, Chennai

2. XVIII Additional City Civil Judge, Chennai



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C.KUMARAPPAN, J.

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