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Crl.M.P.Nos.3044 & 3045 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

**Crl.M.P.Nos.3044 & 3045 of 2026
in Crl.R.C.No.396 of 2026**

1.M/s.Vaagai Business Services and
Education Pvt Ltd.,
Rep. By its Managing Director,
E.Sathish David

2.E.Sathish David,
Managing Director,
M/s.Vaagai Business Services and
Education Pvt. Ltd.

..Petitioner(s) in both
Crl.MPs

Vs

Pauline Sharmila,
Represented by her Power Agent
A.Susai

..Respondent(s) in both
Crl.MPs

CRL MP No. 3044 of 2026

To suspend the sentence imposed against the petitioners herein by the Metropolitan Magistrate, Fast Track Court at Magisterial Level-V, Saidapet, Chennai, by the judgment dated 25.10.2024 made in C.C.No.1612 of 2018 as confirmed by the judgment of the learned XV Additional Sessions Judge, Chennai in Crl.A.No. 937 of 2024 dated 06.01.2026 pending disposal of the above Criminal Revision.



CRL MP No. 3045 of 2026

To exempt the petitioners from surrender in C.C.No.1612 of 2018 dated 25.10.2024 on the file of the learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-V, Saidapet, Chennai as confirmed by the judgment of the learned XV Additional Sessions Court, Chennai in Crl.A.No.937 of 2024 dated 06.01.2026 pending disposal of the above Criminal Revision.

For Petitioner(s): Mr.T.Gowthaman
Senior Counsel for
Ms.S.Karpagapriya

COMMON ORDER

The petitioners have preferred the above revision challenging the judgment passed by the learned XV Additional Sessions Judge, Chennai, in Crl.A.No.937 of 2024 dated 06.01.2026, confirming the judgment of the learned Magistrate convicting the petitioners for the offence under Section 138 of the Negotiable Instruments Act, and sentenced them to undergo 9 months S.I and to pay fine of Rs.21,92,000/-. The instant petitions have been filed to suspend the sentence imposed on the petitioners and to exempt the petitioners from surrendering before the Trial Court, pending disposal of the above revision.

2. It is the case of the respondent that the petitioners had issued two cheques; one for Rs.5,00,000/- and the other for Rs.4,00,000/- towards discharge of liability; that when the said cheques were presented for collection, it were returned for the reason 'Funds Insufficient'; that in spite of the statutory



notice, the petitioners did not make the payment; and hence liable for the said offence.

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3. The learned senior counsel for the petitioners would submit that the cheque was issued for a time barred debt and that the complainant's power agent had admitted that interest at the rate of 4% per month was charged; 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 Rs.4,00,000/- towards the cheque amount to the credit of the C.C.No.1612 of 2018 and prayed for suspension of sentence.

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

5. Having regard to the submission made by the learned senior 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 Rs.4,00,000/- towards the cheque amount, this Court is inclined to grant suspension of sentence and exempt the petitioners from surrendering before the Trial Court, subject to the following conditions:

(i) The petitioners/accused shall deposit Rs.4,00,000/- towards the cheque amount to the credit of



C.C.No.1612 of 2018 on the file of the learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-V, Saidapet, 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/accused shall be suspended, on his executing a separate 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 at Magisterial Level-V, Saidapet, Chennai.

(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 his absence as directed by the Trial Court.

(vi) On the failure of the petitioners/accused, depositing the above said amount, it is open to the Trial Court to commit the petitioners/accused into custody for undergoing the sentence.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

20-02-2026
(2/2)

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

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To

- 1.The XV Additional Sessions Judge, Chennai
2. The Metropolitan Magistrate, Fast Track Court at Magisterial Level-V, Saidapet



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SUNDER MOHAN J.

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