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CRL MP No. 6635 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP No. 6635 of 2026

in

CRL RC NO.1924 of 2025

D.S.Engineering,
rep by its Proprietor,
Sathyanarayanan, (45 years),
s/o. Duriaraj,
Mamallapuram Salai, Kanakoilpettai,
Thirukazhukundram Taluk,
Chengalpattu District.

..Petitioner(s)

Vs

Karunanithi
S/o. Rajavel,
No.45, Big Street,
Desumugipettai,
Thirukazhukundram,
Chengalpattu District.

..Respondent(s)

Prayer: Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 to suspend the sentence and conviction passed against the petitioner/appellant in the judgment dated 09.09.2025 passed by the Learned Principal District and Sessions Judge at Chengalpattu in Crl. A.No. 84/2022 confirming the judgment and sentence dated 10.11.2022 passed in C.C.No. 454/2019 on the file of the Learned Judicial Magistrate No.I, Chengalpattu and enlarge the petitioner on bail pending disposal of the above Criminal Revision No. 1924/2025.

For Petitioner(s): M/S. G.Mageshkumar

For Respondent(s): Mr.R.T.Vijayraghavan



ORDER

The petitioner has preferred the revision challenging the judgment dated 09.09.2025 passed in Crl.A. No. 84 of 2022 by the learned Principal District and Sessions Judge, Chengalpattu, confirming the judgment of the Trial Court convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing him to undergo six months simple imprisonment and to pay compensation of Rs.15,00,000/- The instant petition has been filed to suspend the sentence imposed on the petitioner, pending disposal of the revision.

2. It is the case of the respondent that the petitioner had issued a cheque, each dated 28.03.2019, for Rs.15,00,000/- 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 this is the second petition seeking suspension of sentence before this Court. The first petition for suspension of sentence was allowed by this Court by order dated 06.10.2025 in Crl.M.P. No.18510 of 2025, subject to the condition that the petitioner shall deposit a sum of Rs.3,00,000/- to the credit of C.C. No.454 of 2019 on the file of the learned Judicial Magistrate No.I, Chengalpattu, within a



period of four weeks from 06.10.2025, failing which the order passed by this Court would stand automatically cancelled.

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4. The petitioner failed to comply with the said condition within the stipulated time. It is now submitted that the petitioner has directly handed over a Demand Draft for a sum of Rs.3,00,000/- to the respondent herein, bearing DD No.104593 drawn on Canara Bank, in favour of the respondent. The said fact has also been admitted by the learned counsel for the respondent.

5. Considering the fact that the petitioner has now paid the sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the respondent, which has been acknowledged by the learned counsel for the respondent, Mr. R.T. Vijayaraghavan, who has also made an endorsement to that effect on the copy of the Demand Draft, this Court is inclined to consider the present petition.

6. Heard the learned counsel for the petitioner and perused the materials available on record.

7. In view of the above factual position, this Court is inclined to grant suspension of sentence pending disposal of the revision, subject to the following conditions:



(i) The sentence of imprisonment alone imposed on the petitioner/accused shall be suspended, on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a likesum to the satisfaction of the Trial Court.

(ii) 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;

(iii) The petitioner shall appear before the Trial Court on the first working day of every English Calendar 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 355 of BNSS, 2023 and shall appear before the Trial Court on any other day in lieu of the date of her absence as directed by the Trial Court.

8. Accordingly, the Criminal Miscellaneous Petition is ordered.

20-04-2026

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

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To

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- 1.The learned Principal District and Sessions Judge, Chengalpattu.
- 2.The learned Judicial Magistrate No.I, Chengalpattu.



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C.KUMARAPPAN, J.

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