



WEB COPY

CRL MP No. 3749 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 27-02-2026**

CORAM

**THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**CRL MP No. 3749 of 2026**

**IN**

**CRL RC NO. 488 of 2026**

1.B.Ganesh Sundar  
S/o.Ganesan,  
Proprietor, M/s.B.G.S. Enterprises,  
No.27, Chellapillaiyar Koil Street,  
Royapettah, Chennai-600 014

2.B.G.S.Enterprisees,  
Rep. By its Proprietor B.Ganesh Sundar,  
No.30, Chinnappa Rawther Street,  
Triplicane, Chennai-600 005

..Petitioner(s)

Vs

M/s.Anand & Co.,  
Rep. By its Managing Director,  
Mr.Manish Chowdhari,  
No.191, Mount Road,  
Chennai-600 006

..Respondent(s)

To suspend the sentence imposed on the petitioners in the judgement dated 30.12.2024 in STC.No.10621 of 2023 as confirmed in Crl.A.No.446 of 2025 dated 10.02.2026, and enlarge the first petitioner on bail pending disposal of the Criminal Revision.

For Petitioner(s):

M/s.V.Saral



## **ORDER**

WEB COPY

The petitioners have preferred the above revision challenging the judgment passed by the learned XVIII Additional City Civil Court, Chennai, in Crl.A.No.446 of 2025 dated 10.02.2026, confirming the judgment of the learned Magistrate convicting the first petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo 3 months S.I and to pay compensation of Rs.8,00,000/- with interest at the rate of 6% per annum, I/d. to undergo 2 months S.I. The instant petition has been filed to suspend the sentence imposed on the first petitioner, pending disposal of the above revision.

2. It is the case of the respondent that the first petitioner had issued a cheque for Rs.8,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'Exceeds Arrangement'; that in spite of the statutory notice, the petitioners did not make the payment; and hence liable for the said offence.

3. The learned counsel for the petitioners would submit 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 the 50% of the cheque amount i.e Rs.4,00,000/- to the credit of the STC.No.10621 of 2023 and prayed for



suspension of sentence.

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

5. Having regard to the submission made by the learned counsel for the petitioners that there are substantial grounds raised in the above revision which require consideration, and the fact that the first petitioner is willing to deposit 50% of the cheque amount, this Court is inclined to grant suspension of sentence, subject to the following conditions:

(i) The petitioners/accused shall deposit Rs.4,00,000/- to the credit of S.T.C.No.10621 of 2023 on the file of the XX Metropolitan Magistrate Court, 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 first petitioner/accused shall be suspended, on his executing a bond a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of



the XX Metropolitan Magistrate Court, Egmore, Allikulam 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 first 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.

(vi) On the failure of the petitioners/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, the Criminal Miscellaneous Petition is ordered.

**27-02-2026**  
**(2/2)**

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



To

1. The XVIII Additional City Civil Court, Chennai

2. The XX Metropolitan Magistrate Court,  
Egmore, Allikulam, Chennai



WEB COPY

CRL MP No. 3749 of 2



**SUNDER MOHAN, J.**

ANU

CRL MP Nos. 3749 of 2026  
IN  
CRL RC NO. 488 of 2026

27-02-2026