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CRL MP No. 4967 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP No. 4967 of 2026

IN

CRL RC NO. 655 OF 2026

E.Nandakumar
S/o.Sivaraman,
No.15/24, Sri Ramapuram Street,
Choolaimedu,
Chennai.- 600094.

..Petitioner(s)

Vs

Subash
S/o.P.V.Balan,
No.14/18, Carpenter Street,
Perambur,
Chennai - 600011.
P.V.Balan (Died)

..Respondent(s)

PRAYER in Crl.M.P.No.1974 of 2026: Criminal Miscellaneous Petition filed under Section 438 & 442 of BNSS Act, 2023, to suspend the sentence imposed by the XXV Metropolitan Magistrate, Egmore, Chennai-600008 in STC.No.3411/2021 dated 25.04.2025 and confirmed by the Learned I Additional Judge, City Civil Court, Chennai in Crl.A.No.719 of 2025 dated 01.12.2025, pending disposal of the above Criminal Revision and thus render justice.

For Petitioner(s):

M/s.R.Vijayaraghaven



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ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned I Additional Judge, City Civil Court, Chennai, in Crl.A.No.719 of 2025 dated 01.12.2025, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo six months simple imprisonment and to pay compensation of Rs.8,00,000/- and in default to undergo 1 ½ months simple imprisonment. The instant petition has been filed to suspend the sentence imposed on the petitioner.

2. It is the case of the prosecution that the petitioner had issued a cheque for a sum of Rs.8,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'Insufficient Funds'; 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.

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 to the credit of STC.No.3411 of 2021, 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 STC.No.3411 of 2021 on the file of the learned XXV Metropolitan Magistrate, Egmore, Chennai on or before **15.04.2026**;

(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 learned XXV Metropolitan Magistrate,
Egmore, Chennai;

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(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. Call the matter on **16.04.2026**.

17-03-2026
(2/2)

MPA



To

1. The XXV Metropolitan Magistrate, Egmore, Chennai-600008.
2. The I Additional Judge, City Civil Court, Chennai.



WEB COPY

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C.KUMARAPPAN, J.

MPA

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