



Crl.M.P.No.4829 of 2026
in Crl.R.C.No.641 of 2026

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2026

CORAM

THE HONOURABLE MR JUSTICE C.KUMARAPPAN

Crl.M.P.No.4829 of 2026
in
Crl.R.C.No.641 of 2026

1.A.K.Construction
Rep. By its Partners,
No.17/18, Nakkeeran Street,
Kavya Gardent, Mugalivakkam,
Chennai – 600 116.

2.Panneerselvam,
Partner : A.K.Construction,
No.17/18, Nakkeeran Street,
Kavya Gardent, Mugalivakkam,
Chennai – 600 116.

3.Sumathi,
Partner : A.K.Construction,
No.17/18, Nakkeeran Street,
Kavya Gardent, Mugalivakkam,
Chennai – 600 116.

...Petitioners

-VS-

Loganatha

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of BNSS Act, praying to suspend the sentence dated 07.01.2025 passed in Crl.A.No.78 of

1/6



Crl.M.P.No.4829 of 2026
in Crl.R.C.No.641 of 2026

2024 on the file of the learned XVII Additional City Civil Court, Chennai, confirming the judgment dated 10.01.2024 passed in S.T.C.No.2999 of 2021 on the file of the learned XXV Metropolitan Magistrate Court, Egmore, Chennai, and enlarge the petitioners on bail, pending disposal of the above criminal revision petition.

For Petitioners : Mr.M.L.Ramesh

ORDER

The petitioners have preferred the above revision challenging the judgment passed by the learned XVII Additional City Civil Court, Chennai, in Crl.A.No.78 of 2024 dated 07.01.2025, confirming the judgment of the learned Magistrate convicting the petitioners for the offence under Section 138 of the Negotiable Instruments Act, and petitioners 2 and 3 to undergo 1 year SI and pay a compensation of Rs.40,00,000/- (id) to undergo 1 month SI. The instant petition has been filed to suspend the sentence imposed on the petitioners.

2. It is the case of the respondent that petitioners 2 and 3 had issued a cheque for a sum of Rs.40,00,000/- 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 petitioners did not make the



Crl.M.P.No.4829 of 2026
in Crl.R.C.No.641 of 2026

payment; and hence liable for the said offence.

WEB COPY

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 2 and 3 are willing to deposit 50% of the cheque amount to the credit of the S.T.C.No.2999 of 2021 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 petitioners are willing to deposit 50% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioners, subject to the following conditions:

(i) The petitioners 2 and 3 shall deposit 50% of the cheque amount to the credit of S.T.C.No.2999 of 2021 on the file of the



Crl.M.P.No.4829 of 2026
in Crl.R.C.No.641 of 2026

learned XXV Metropolitan Magistrate Court, Egmore, Chennai,
within a period of eight 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 2 and 3 shall be suspended, on their 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
XXV Metropolitan Magistrate Court, Egmore, Chennai;

(iv) The petitioners 2 and 3 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 2 and 3 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



Crl.M.P.No.4829 of 2026
in Crl.R.C.No.641 of 2026

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 their absence, as directed by the Trial Court; and

(vi) On the failure of the petitioners 2 and 3, depositing the said amount, it is open to the Trial Court to commit the petitioners 2 and 3 into custody for undergoing the sentence.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

13.03.2026
(2/2)

cda

To

- 1.The XXV Metropolitan Magistrate Court, Egmore, Chennai.
2. The XVII Additional City Civil Court, Chennai.



WEB COPY



Crl.M.P.No.4829 of 2026
in Crl.R.C.No.641 of 2026

C.KUMARAPPAN, J.

cda

Crl.M.P.No.4829 of 2026
in
Crl.R.C.No.641 of 2026

13.03.2026
(2/2)