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Crl.M.P.Nos.4659 and 4661 of 2026
in Crl.R.C.No.610 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2026

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THE HONOURABLE MR JUSTICE C. KUMARAPPAN

Crl.M.P.Nos.4659 and 4661 of 2026
in
Crl.R.C.No.610 of 2026

1. M/s. AABE Homes (P) Ltd.,
represented by its Managing Director
Mr.E.Loganathan, S/o.Eswaran
No.1458, H-block, 16th Street,
Anna Nagar, Chennai – 600 040.

2. Mr.E.Loganathan, s/o.Eswaran

...Petitioners

-VS-

Mrs. R.Swarna Lakshmi (Deceased)
W/o. Ramasamy
substituted by her husband Mr.M.P.Ramasamy

...Respondent

PRAYER in Crl.M.P.No.4659 of 2026: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS Act, 2023, praying to suspend the sentence imposed on the petitioners in S.T.C.No.7922/2024 on the file of the learned Metropolitan Magistrate, Fast Track Court II, Egmore, at Allikulam, Chennai, dated 27.05.2025, confirmed by the learned VII Additional District and Sessions Judge, Chennai in CA.No.797 of 2025, dated 04.02.2026 pending disposal of the above Criminal Revision case.

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PRAYER in Crl.M.P.No.4661 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt the petitioner to surrendering in pursuant to the order by the learned VII Additional District and Sessions Judge, Chennai in CA.No.797 of 2025, dated 04.02.2026 against the order of the learned Metropolitan Magistrate, Fast Track Court II, Egmore, at Allikulam, Chennai in STC.No.7922 of 2024 dated 27.05.2025, pending disposal of the above mentioned Criminal Revision case.

For Petitioner : Mr.R.Ram Kumar

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 04.02.2026 passed by the learned VII Additional District and Sessions Judge, Chennai in C.A.No.797 of 2025 confirming the judgment of the learned Metropolitan Magistrate, Fast Track Court II, Egmore, at Allikulam, Chennai made in STC.No.7922 of 2024 dated 27.05.2025 convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing the 2nd petitioner to undergo simple imprisonment for a period of one year and the 1st and 2nd accused are directed to pay a sum of Rs.25,00,000/- as compensation and in default of the compensation, a simple imprisonment of 2 months was imposed. The instant petitions have been filed to suspend the

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sentence imposed on the petitioner and to exempt the petitioner from
surrendering before the Trial Court, pending disposal of the above revision.

2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.25,00,000/- (Rupees Twenty five lakhs Only) towards return of the respondent money; that when the said cheque was presented for collection, it was returned for the reason 'drawer's signature differs'; 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 40% 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



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petitioner that there are substantial grounds raised in the above revision which require consideration, and the fact that the petitioner is willing to deposit 40% of the cheque amount, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the Trial Court, subject to the following conditions:

(i) The petitioner/Accused shall deposit 40% of the cheque amount to the credit of S.T.C.No.7922 of 2024 on the file of the learned Metropolitan Magistrate, Fast Track Court II, Egmore, Allikulam, Chennai within a period of six 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 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 learned Metropolitan Magistrate, Fast Track Court II, Egmore, Allikulam, Chennai.

(iv) The petitioner and the sureties shall affix their



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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.

(vi) On the failure of the petitioner/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, these Criminal Miscellaneous Petitions are ordered.

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C. KUMARAPPAN, J.

mp

To

- 1.The Metropolitan Magistrate, Fast Track Court II, Egmore, Allikulam .
2. The VII Additional District and Sessions Judge, Chennai.

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