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CRL MP No. 5327 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 18-03-2026**

CORAM

**THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

**CRL MP No. 5327 of 2026**

**IN**

**CRL RC NO. 699 OF 2026**

S.Dhiwakar Rajan  
Proprietor of S.S.Associates,  
Door NO.4, AR Flats,  
Old No.2, New No.23,  
Puliyur,  
1st Land,  
Kodambakkam,  
Chennai - 600 024.

..Petitioner(s)

Vs

Vedavathi  
W/o. Chandrasekhar,  
No.27/12, Door No.8, 1st Floor,  
Bajanai Koil Street,  
Choolaimedu,  
Chennai - 600 094.

..Respondent(s)

**PRAYER:** Criminal Miscellaneous Petition filed under Section 397 r/w. 401 of Cr.P.C., to suspend the sentence imposed on the petitioner/appellant in the judgement in Crl.A.No. 348/2023 dt. 30.01.2025 on the file of the Learned XVI Additional Sessions Judge, City Civil Court, Chennai, confirming the judgement passed in C.C.No. 8203/2017 dt. 30.05.2023 on the file of the Learned Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai and enlarge the petitioner on bail, pending disposal of the present Criminal Revision Petition.



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For Respondent:

Mr.V.Suresh Kumar

For Petitioner(s):

Mr. B.Arvind Srevatsa

**ORDER**

The petitioner has preferred the above revision challenging the judgment dated 03.01.2025 passed by the learned XVI Additional Sessions Judge, City Civil Court, Chennai, in CrI.A.No.348 of 2023 confirming the judgment of the learned Metropolitan Magistrate. FTC-III, Saidapet, convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, sentencing him to undergo simple imprisonment for 6 months; under section 357 of Cr.P.C., to pay the complainant a sum of Rs.24,00,000/-. In case of failure of the accused to pay the compensation amount, he is directed to undergo further period of one month simple imprisonment; the compensation amount is ordered to be recovered as a fine. The instant petition has been filed to suspend the sentence imposed on the petitioner.

2. It is the case of the respondent/complainant that the petitioner had issued a cheque for a sum of Rs.24,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned stating '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 her 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, 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 C.C.No. 8203 Of 2017 on the file of Metropolitan Magistrate, Fast Track Court-III, Saidapet, 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 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 trial Court.

(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.

**18-03-2026**

MPA



To  
XVI Additional Sessions Judge, City Civil Court, Chennai,  
Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai

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**C.KUMARAPPAN, J.**

**MPA**

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