



Crl.M.P. No.5289 of 2026

in

Crl.R.C. No.697 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2026

CORAM

THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

Crl.M.P. No.5289 of 2026

in

Crl.R.C. No.697 of 2026

1.S.Vishwapathy
2.M/s.Nexareal
Rep.by its Proprietor
S.Vishwapathy
GST No.33AKOPV6293J1ZC
1A, Moorthy Street, West Mambalam
Chennai 600 033.

...Petitioners

Vs.

S.Priyadharshini

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS., to suspend the sentence imposed by the learned V Additional Judge, Chennai, in judgment and order of conviction dated 17.02.2026 in Crl.A.No.1011 of 2024 in STC.No.120 of 2024 on the file of Metropolitan Magistrate, Fast Track Court-II (Magisterial Level, Egmore at Allikulam, Chennai and enlarge the petitioner on bail.

For Petitioners : Mr.M.Soundar Vijay Arul Ram



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ORDER

The petitioners have preferred the above revision challenging the judgment dated 17.02.2026 passed by the learned V Additional Judge, Chennai, in Crl.A.No.1011 of 2024, confirming the judgment of the learned Metropolitan Magistrate, Fast Track Court-II, (Magisterial Level) Egmore at Allikulam, Chennai, convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing the first accused to undergo simple imprisonment for a period of one year and accused 1 & 2 are jointly or severally liable to pay a sum of Rs.25,00,000/- lakhs carrying a default sentence of simple imprisonment of two months. The instant petition has been filed to suspend the sentence imposed on the petitioner.

2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.25,00,000/- 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.



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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 them bona fides, the petitioners are willing to deposit 50% of the cheque amount.

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 first petitioner/Accused shall deposit 50% of the cheque amount to the credit of S.T.C. No.120 of 2024 on the file of Metropolitan Magistrate, Fast Track Court-II



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(Magisterial Level), Egmore at 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 first 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 Metropolitan Magistrate, Fast Track Court-II (Magisterial Level), Egmore at Allikulam, Chennai;

(iv) The first 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;



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(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 her absence, as directed by the Trial Court; and

(vi) On the failure of the first petitioner/Accused, depositing the said amount, it is open to the Trial Court to commit the first petitioner/accused into custody for undergoing the sentence.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

dna

08.04.2026
(2/2)

To

1. The V Additional Court, Chennai,
2. The Metropolitan Magistrate, Fast Track Court-II
(Magisterial Level, Egmore at Allikulam, Chennai.

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C.KUMARAPPAN,J.
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