



WEB COPY



Crl.M.P.Nos.6677 and 6679 of 2026
in Crl.R.C.No.858 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2026

CORAM

THE HONOURABLE MR JUSTICE C.KUMARAPPAN

Crl.M.P.Nos.6677 and 6679 of 2026
in
Crl.R.C.No.858 of 2026

M/s.K.K.Pharma
Rep. By its Proprietor
Mr.Kamalahassan aged about 40 years,
S/o. Late R.Govindan
No.48, Thathamuthippam Street,
Chennai – 600 001.

..... Petitioner in both cases

-VS-

M/s. Vijay Pharma Distributors,
Rep. By Mr.Vijay Kumar
No.30, New No.4, Appasamy Street,
Pattalam, Chennai – 600 012.

...Respondent in both cases

PRAYER in Crl.M.P.Nos.5593 of 2026: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, to suspend the sentence dated 04.04.2024 made in S.T.C.No.1882 of 2022 on the file of Metropolitan Magistrate, FTC -IV, George Town, Chennai and confirmed by the Judgement dated 27.02.2026 in Crl.A.No.354 of 2024 on the file of XXII Additional Sessions Court, Chennai and enlarge the petitioner on bail.



Crl.M.P.Nos.6677 and 6679 of 2026
in Crl.R.C.No.858 of 2026

PRAYER in Crl.M.P.No.3665 of 2026: Criminal Miscellaneous Petition filed

under Section 528 of BNSS, praying to exempt from the petitioner to surrender before the Appellant Court on the judgement dated 04.04.2024 made in S.T.C.No.1882 of 2022 on the file of Metropolitan Magistrate, FTC -IV, George Town, Chennai and confirmed by the Judgement dated 27.02.2026 in Crl.A.No.354 of 2024 on the file of XXII Additional Sessions Court, Chennai

For Petitioner : Mr.J.Kiran Kumar

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 27.2.2026 passed by the learned XXII Additional Sessions Judge, Cheenai in C.A.No.354 of 2024, confirming the judgment of the learned Metropolitan Magistrate, FTC-IV, George Town, Chennai made in S.T.C.No.1882 of 2022 dated 04.04.2024 convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo Simple Imprisonment for three months and directed to pay the compensation amount. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the above revision.



Crl.M.P.Nos.6677 and 6679 of 2026
in Crl.R.C.No.858 of 2026

2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.8,93,194/- towards discharge of liability; that when the said cheque was presented for collection, it was dishonored through return memo stating reason as “ Funds Insufficient” ; 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, this Court is inclined to grant suspension of sentence and



Crl.M.P.Nos.6677 and 6679 of 2026
in Crl.R.C.No.858 of 2026

exempt the petitioner from surrendering before the Trial Court, subject to the following conditions:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit 50% of the cheque amount to the credit of S.T.C.No.1882 of 2022 on the file of the learned Metropolitan Magistrate, FTC-IV, George Town, Chennai within a period of six weeks from the date of receipt of copy of the 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 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



Crl.M.P.Nos.6677 and 6679 of 2026
in Crl.R.C.No.858 of 2026

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 a 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 that 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.

16.04.2026
(2/2)

sma



WEB COPY



Crl.M.P.Nos.6677 and 6679 of 2026
in Crl.R.C.No.858 of 2026

C.KUMARAPPAN, J.

sma

To

- 1.The XXII Additional Sessions Judge, Chennai
2. The Metropolitan Magistrate, FTC-IV, George Town, Chennai

Crl.M.P.Nos.6677 and 6679 of 2026
in
Crl.R.C.No.858 of 2026

16.04.2026
(2/2)