



Crl.M.P.No.5679 of 2026
in Crl.R.C.No.2393 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2026

CORAM

THE HONOURABLE MR JUSTICE C.KUMARAPPAN

Crl.M.P.No.5679 of 2026
in
Crl.R.C.No.2393 of 2024

Natarajan

...Petitioner

-VS-

A.R.Krishna Narayanan

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438 r/w 442 of BNSS Act, praying to suspend the sentence imposed by the learned Judicial Magistrate, Tambaram, in C.C.No.622 of 2011 dated 26.03.2019 and partly allowed by the learned Principal District and Sessions Judge, Chengalpattu, in Crl.A.No.45 of 2019 dated 12.08.2021 and enlarge the petitioner on bail pending disposal of the above Crl.R.C.No.2393 of 2024.

For Petitioner : Mr.B.Vijayaraghaven

For Respondent : Mr.K.Thenrajan



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ORDER

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The petitioner has preferred the above revision challenging the judgment passed by the learned Principal District and Sessions Judge, Kancheepuram, Chengalpattu, in Crl.A.No.45 of 2019 dated 12.08.2021, whereby the learned Judge set aside the sentence of conviction imposed by the Trial Court for the offence under Section 138 of the Negotiable Instruments Act and directed the petitioner to pay the admitted amount of Rs.7,50,000/- as compensation within a period of six months, failing which, he has to undergo the imprisonment and fine imposed by the Trial Court. 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.16,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason "Payment Stopped by the Drawer"; that in spite of the statutory notice, the petitioner did not make the payment and hence is liable for the said offence.

3. The learned counsel for the petitioner would submit that though the petitioner was convicted by the Trial Court for the offence under Section 138 of



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the Negotiable Instruments Act, subsequently, on appeal before the learned Principal District and Sessions Judge, Kancheepuram, Chengalpattu, in Crl.A.No.45 of 2019 dated 12.08.2021, the learned Judge set aside the conviction and sentence, however directed the petitioner to pay a sum of Rs.7,50,000/- as compensation within a period of six months, as the petitioner had admitted the same in the reply notice.

4. The learned counsel for the petitioner would further submit that the petitioner has not paid the said amount and has now been remanded to judicial custody on 16.03.2026. Hence, he would submit that having been found not guilty and relieved from the conviction by the Appellate Court, the very arrest for non-compliance of the order of the Appellate Court is illegal. Therefore, he seeks bail pending disposal of the above Crl.R.C.No.2393 of 2024.

5. The learned counsel for the respondent strongly opposed the bail application and contended that since the petitioner has not complied with the direction to pay compensation, he is not entitled to bail. He would further submit



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that if at all the petitioner is to be enlarged on bail, he may be directed to pay some amount.

6. I have given anxious consideration to the submissions made by the learned counsel on either side and perused the materials available on record.

7. Admittedly, the Appellate Court, by judgment in Crl.A.No.45 of 2019 dated 12.08.2021, set aside the sentence of conviction and fine imposed by the Trial Court and acquitted him. However, it directed the petitioner to pay a sum of Rs.7,50,000/- as compensation within a period of six months, failing which, the sentence imposed by the Trial Court would revive. Under Section 138 of the Negotiable Instruments Act, the offence is attracted only upon failure to make payment of the cheque amount within the statutory period. In the present case, the Appellate Court has found that the conviction and sentence are not sustainable, but has imposed a condition based on the admission of the petitioner and directed him to pay the admitted amount.



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8. In such circumstances, this Court finds that the petitioner has made out a case for bail. Accordingly, this Court is inclined to enlarge the petitioner on bail, by suspending the sentence imposed on the petitioner, subject to the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tambaram;

(ii) 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; and

(iii) 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.



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C.KUMARAPPAN, J.

9. Accordingly, this Criminal Miscellaneous Petition is ordered.

30.03.2026

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To

- 1.The Principal District and Sessions Judge,
Kancheepuram, Chengalpattu.
- 2.The Judicial Magistrate, Tambaram.
- 3.The Judicial Magistrate No.I, Tambaram.
- 4.The Superintendent,
Central Prison, Puzhal.

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