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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-04-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP Nos.6156 and 6157 of 2026

in

CRL RC No.784 of 2026

Moorthy Deepa,
W/o.Arun Kumar,
No.10/16, Venkatasamy 2nd Street,
Dr.Natesan Road,
Chennai – 600 005.

...Petitioner in both the
petitions

Vs

Ashok Kumar,
S/o.Chellan,
No.13/7, 1st Floor,
Venkatesapuram 3rd Street,
Triplicane,
Chennai – 600 005.

...Respondent in both
the petitions

CRL MP No.6156 of 2026

Prayer : Criminal Miscellaneous Petition filed under Section 430(3) r/w 483 of BNSS to suspend the sentence imposed on the petitioner by Judgment in Crl.A.No.747 of 2024, dated 23.10.2025 by XVI Additional City Civil Court, Chennai, by confirming the Judgment passed in STC.No.747 of 2024, dated 21.08.2024, by the XIX Metropolitan Magistrate, Egmore @ Allikulam, Chennai.



CRL MP No. 6157 of 2026

Prayer: Criminal Miscellaneous Petition filed under Section 528 of BNSS to grant exemption of surrender to the petitioner in Crl.A.No.747 of 2024 dated 23.10.2025 passed by the XVI Additional City Civil Court, Chennai, by confirming the Judgment passed in STC.No.747 of 2024 dated 21.08.2024 by the XIX Metropolitan Magistrate, Egmore @ Allikulam, Chennai.

For Petitioner : Mr.G.Ajith
in both the petitions

COMMON ORDER

The petitioner has preferred the above revision challenging the Judgment passed by the learned XVI Additional District Judge, in Crl.A.No.747 of 2024 dated 23.10.2025, confirming the Judgment of the learned XIX Metropolitan Magistrate, Egmore @ Allikulam, Chennai, convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act and sentencing her to undergo two years of simple imprisonment and to pay compensation of Rs.2,00,000/- (Rupees Two Lakhs Only) in default, to undergo a further period of two months. 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.



2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason "Payment Stopped By Drawer," and 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 Judgments 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, i.e., Rs.1,00,000/- (Rupees One Lakh Only), to the credit of S.T.C.No.1941 of 2022 on the file of the learned XIX Metropolitan Magistrate, Egmore @ Allikulam, Chennai.

4. Heard the learned counsel for the petitioner and also 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



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

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(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit 50% of the cheque amount i.e., Rs.1,00,000/- (Rupees One Lakh Only), to the credit of S.T.C.No.1941 of 2022 on the file of the learned XIX Metropolitan Magistrate, Egmore @ Allikulam, Chennai, within a period of six weeks from today.

(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 her 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 a month at 10.30 a.m., until the disposal of the revision and if she is not able to appear



before the Trial Court on that day, she 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.

(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. If the petitioner fails to deposit 50% of the cheque amount, i.e., Rs.1,00,000/- (Rupees One Lakh Only), to the credit of S.T.C.No.1941 of 2022 on the file of the learned XIX Metropolitan Magistrate, Egmore @ Allikulam, Chennai, the order of suspension of sentence granted by this Court shall stand automatically vacated.

7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

07-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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1. The XVI Additional District Judge,
Chennai.

2. The XIX Metropolitan Magistrate,
Egmore @ Allikulam,
Chennai.



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C.KUMARAPPAN J.

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CRL MP Nos.6156 and 6157 of 2026
in
CRL RC No.784 of 2026

07-04-2026
(2/2)