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Crl.M.P.Nos.6227 and 6228 of 2026
in Crl.R.C.No.810 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2026

CORAM

THE HONOURABLE MR JUSTICE C. KUMARAPPAN

Crl.M.P.Nos.6227 and 6228 of 2026
in
Crl.R.C.No.810 of 2026

1. N.S.Rathinam & Sons,
Partnership firm, rep. By its partner

2. R.Chandrasekaran
3. Mrs.R.Akkammal

...Petitioners/Accused

-VS-

Smt. Badam Kavar (Deceased),
substituted and rep. By her grand son and legatee,
Mr.Deepak Jain,
s/o.Gumanlal jain,
No.57, New No.26, Taylors Road,
Rems Street, Kilpauk,
Chennai – 600 010.

...Respondent

PRAYER in Crl.M.P.No.6227 of 2026: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS Act, 2023, praying to grant an order of exemption from surrendering before the trial Court in pursuance to the order dated 13.03.2026 made in Crl.A.No.812 of 2024 on the file of the VII Additional City Civil Court, Chennai, confirming the conviction imposed in judgment dated

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06.09.2024 made in C.C.No.3767 of 2009 on the file of the Metropolitan Magistrate No.III, George Town, Chennai, pending disposal of the above Revision Petition.

PRAYER in Crl.M.P.No.6228 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to suspend the sentence of imprisonment imposed in the judgment dated 06.09.2024 made in C.C.No.3767 of 2009 on the file of the Metropolitan Magistrate No.III, George Town, Chennai and the same was confirmed in the judgment dated 13.03.2026 made in Crl.A.No.812 of 2024 on the file of the VII Additional City Civil Court, Chennai and enlarge the petitioners on bail pending disposal of the above Revision Petition.

For Petitioners : Mr.D.Lakshmipathy

COMMON ORDER

The petitioners have preferred the above revisions challenging the judgment dated 13.03.2026 passed by the learned VII Additional City Civil Court, Chennai, in Crl.A.No.812 of 2026 confirming the judgment of the learned Metropolitan Magistrate No.III, George Town, Chennai convicting the petitioners for the offence under Section 138 of the Negotiable Instruments Act, and sentencing them to undergo simple imprisonment for a period of two years and directed the petitioners to pay a sum of Rs.17,25,000/- as compensation



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carrying a default sentence of simple imprisonment of three months. The instant

petitions have been filed to suspend the sentence imposed on the petitioners and to exempt the petitioners from surrendering before the Trial Court, pending disposal of the above revision.

2. There are totally three accused in this case. The 1st accused is a partnership firm. The 2nd and 3rd accused are partners of 1st accused firm. It is the case of the respondent that the 2nd petitioner borrowed a sum of Rs.10,00,000/- and agreed to repay the same with interest at 24% per annum. When the respondent approached the accused seeking return of the principal with interest, the accused issued a cheque bearing No.000639 dated 31.01.2009 for Rs.5,00,000/- and cheque bearing No.398640 dated 13.03.2009 for Rs.12,25,000/-; that when the said cheque was presented for collection, it was returned stating 'Opening Balance Insufficient'; 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 petitioner would submit that the petitioners have raised substantial grounds in the above revision; and 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 his bona fides, the petitioner is willing to deposit a sum of Rs.8,00,000/-.

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 petitioners are willing to deposit a sum of Rs.8,00,000/-, these Criminal Miscellaneous Petitions stand **allowed**. The sentence imposed on the petitioner is suspended and the petitioner is exempted from surrendering before the Trial Court till the disposal of the above criminal revision, subject to the following conditions:

(i) The petitioners/Accused shall deposit a sum of Rs.8,00,000/- to the credit of C.C.No.3767 of 2009 on the file of the learned Metropolitan Magistrate No.III, George Town, Chennai within a period of six weeks from the date of receipt of a copy of



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this order;

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(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 petitioners/Accused shall be suspended, on they 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 No.III, George Town, Chennai;

(iv) The petitioners 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 petitioners 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 she is not able to appear before the Trial Court on any 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; and



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

08.04.2026

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To

- 1.The Metropolitan Magistrate No.III, George Town, Chennai.
2. The VII Additional City Civil Court, Chennai.

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