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Crl.M.P.Nos.7407 and 7454 of 2026
in Crl.R.C.No.939 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2026

CORAM

THE HONOURABLE MR JUSTICE C. KUMARAPPAN

Crl.M.P.Nos.7407 and 7454 of 2026
in Crl.R.C.No.939 of 2026

1. Autocastle Rep By K.R.Bindu
W/O K.G.Sathyan, Residing at, VGN
Stafford, P2, D.No.102, Thirumalai
Vasan Nagar, Poompozil Nagar,
Thirumullavoyal, Avadi, Chennai.

2.K.R.Bindu
Partner of Auto Castle, W/O
K.G.Sathyan, Residing at, VGN
Stafford, P2, D.No.102, Thirumalai
Vasan Nagar, Poompozil Nagar,
Thirumullavoyal, Avadi, Chennai.

3.P.M.Mahalakshmi
Partner of Auto Castle, W/O
Kalaiselvan, Residing at, Survey
No.449, Flat No.3 Pillayar Koil Street,
Britania Nagar, Ayapakkam, Chennai.
All carrying on business at No.23,
Vellalar Street, Senthamil Nagar,
Mugappair, Chennai.

Vs.



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V.Sripriya
W/o Y.Kapoor, D.No.17, Mullai Street,
21st Lenin Nagar Extension, Ambattur,
Chennai.

Respondent(s)

PRAYER in Crl.M.P.No.7407 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS., praying to suspend the execution of the sentence dated 19.02.2026 passed in CA.No.770 of 2024 passed against the petitioners by the Vth Additional Sessions Judge, Chennai, confirming the judgment and sentence dated 20.09.2024 in CC.No.139 of 2021 of XXVIIth Metropolitan Magistrate (Fast Track Court for Trial of Cases under Section 138 Negotiable Instruments Act) Saidapet, Chennai-15.

PRAYER in Crl.M.P.No.7454 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt the petitioners from surrender before the learned XXVII Metropolitan Magistrate Court (Fast Track Court for trial of cases under Section 138 Negotiable Instruments Act) Saidapet, Chennai-15, pursuant to the judgment of conviction passed in CC.No.139 of 2021 dated 20.09.2024 as confirmed by the judgment in CA.No.770 of 2024 dated 19.02.2026 on the file of the Vth Additional Sessions Court, Chennai, pending disposal of the Revision Petition.

For Petitioners : Ms.Shaikh Mehrunisha



Crl.M.P.Nos.7407 and 7454 of 2026
in Crl.R.C.No.939 of 2026

case of the respondent that the petitioners 2 & 3 borrowed a sum of Rs.14,42,860/- and agreed to repay the same with interest at 6% per annum.

When the respondent approached the accused seeking return of the principal with interest, the accused issued a cheque bearing No.000118 dated 27.03.2020 for Rs.1,75,000/- and cheque bearing No.000119 dated 27.05.2020 for Rs.12,67,860/-; that when the said cheque was presented for collection, it was returned stating "Payment Stopped by Drawer"; that in spite of the statutory notice, the petitioners did not make the payment; and hence liable for the said offence.

3. The learned counsel for the petitioners 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 them bona fides, the petitioners are willing to deposit a sum of 50% of the cheque amount.

4. Heard the learned counsel for the petitioners and perused the materials available on record.



Crl.M.P.Nos.7407 and 7454 of 2026
in Crl.R.C.No.939 of 2026

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, these Criminal Miscellaneous Petitions stand allowed. The sentence imposed on the petitioners is suspended and the petitioners are exempted from surrendering before the Trial Court till the disposal of the above criminal revision, subject to the following conditions:

(i) The petitioners 2 & 3/Accused Nos.2 & 3 shall deposit 50% of the cheque amount to the credit of C.C.No.139 of 2021 on the file of the learned XXVII Metropolitan Magistrate, (Fast Track Court for Trial of Cases under Section 138 NI Act), Saidapet, Chennai-15, within a period of four 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 petitioners 2 & 3/Accused Nos.2 & 3 shall be suspended, on they executing a bond for a sum of Rs.10,000/- each, with two sureties each for a likesum to the satisfaction of the learned XXVII



Crl.M.P.Nos.7407 and 7454 of 2026
in Crl.R.C.No.939 of 2026

Metropolitan Magistrate, (Fast Track Court for Trial of Cases under
Section 138 NI Act), Saidapet, Chennai-15;

(iv) The petitioners 2 & 3 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 2 & 3 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 they are unable to appear before the Trial Court on any day, they 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 their absence, as directed by the Trial Court; and

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

27.04.2026
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- To**
- 1.The Vth Additional Sessions Court, Chennai,
 - 2.The XXVIIth Metropolitan Magistrate (Fast Track Court for Trial of Cases under Section 138 Negotiable Instruments Act) Saidapet, Chennai-15.



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C. KUMARAPPAN, J.

dna

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