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Crl.M.P.Nos.6374 & 6375 of 2026
in Crl.R.C.No.826 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2026

CORAM

THE HONOURABLE MR JUSTICE C. KUMARAPPAN

Crl.M.P.Nos.6374 & 6375 of 2026
in
Crl.R.C.No.826 of 2026

N.Fareed Rahman, S/o.Naina Mohamed

...Petitioner/Accused

-VS-

K.K.Thirugnanam, S/o.Mr.Karuppanan

...Respondent

PRAYER in Crl.M.P.No.6374 of 2026: Criminal Miscellaneous Petition filed under Section 430 of BNSS Act, 2023, praying to suspend the execution of sentence and conviction passed in judgment dated 04.07.2024 in C.C.No.1068 of 2021 by judge of Fast Track Court – IV, at George Town which was confirmed by Judge of III Additional Sessions Court, At Chennai by order dated 05.03.2026 passed in C.A.No.546 of 2024.

PRAYER in Crl.M.P.No.6375 of 2026: Criminal Miscellaneous Petition filed under Section 430 of BNSS, praying to pass an order granting exemption to the petitioner from surrendering before the trial Court namely Metropolitan Magistrate Court, Fast Track Court – IV, at George Town in C.C.No.1068 of 2021 till the disposal of the above criminal revision petition.

For Petitioner : Mr.S.Gurumoorthy



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COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 05.03.2026 passed by the learned III Additional Sessions Court, Chennai in C.A.No.546 of 2024 confirming the judgment of the learned Fast Track Court No.IV, George Town, convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing him to undergo simple imprisonment for a period of two months and to pay Rs.50,000/- as compensation with 3% interest per annum from the date of dishonor of cheque to till date, carrying a default sentence of simple imprisonment of two weeks. 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 borrowed a sum of Rs.50,000/- for his business with condition to repay the interest of 12% per annum. On repeated demands made by the respondent, the petitioner has issued a cheque in cheque bearing No.090288, for a sum of Rs.50,000/- towards discharge of liability; that when the said cheque was presented for collection, it



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was returned stating '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, 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 petitioner/Accused shall deposit 50% of the cheque



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amount to the credit of C.C.No.1068 of 2021 on the file of the learned Fast Track Court No.IV, Metropolitan Magistrate, George Town at Chennai 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 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 learned Fast Track Court No.IV, Metropolitan Magistrate, George Town at Chennai;

(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 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



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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

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

09.04.2026

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To

- 1.The Fast Track Court No.IV, Metropolitan Magistrate, George Town at Chennai
2. The III Additional Sessions Court, Chennai.



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C. KUMARAPPAN, J.

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