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Crl.M.P.Nos.6246 and 6247 of 2026
in Crl.R.C.No.815 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.6246 and 6247 of 2026
in
Crl.R.C.No.815 of 2026

M.Venkatesan, S/o.Marimuthu

...Petitioner/Accused

-VS-

Mr.Sivasubramanian, S/o.Narayana Pillai

...Respondent

PRAYER in Crl.M.P.No.6246 of 2026: Criminal Miscellaneous Petition filed under Section 430 of Cr.P.C., praying to suspend the sentence confirmed by the impugned order dated 12.03.2025 passed by the Hon'ble XX Additional Sessions Court, Allikulam, Chennai in Crl.A.No.117/2024 while dismissing the appeal and consequently confirming the judgment dated 24.01.2024, on the file of the Hon'ble Metropolitan Magistrate, Fast Track Court No.I at Allikulam, Chennai in C.C.No.6793/2018 under Section 138 r/w 142 of Negotiable imprisonment of one year with fine of twice the cheque amount to be paid to the respondent herein as compensation and in default undergo further sentence of one month simple imprisonment.



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PRAYER in Crl.M.P.No.6247 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to grant the petitioner an exemption from surrendering himself and accept the sureties before Hon'ble Metropolitan Magistrate, Fast Track Court No.I at Allikulam, Chennai in the order dated 24.01.2014 in C.C.No.6793/2018 and confirmed vide order dated 12.03.2025 in Crl.A.No.117/2024 on the file of the Hon'ble XX Additional Sessions Court, Allikulam, Chennai.

For Petitioner : Mr.A.Thirumaran

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 12.03.2025 passed by the learned XX Additional Sessions Court, Allikulam, Chennai, in Crl.A.No.117 of 2024 confirming the judgment of the learned Metropolitan Magistrate, Fast Track Court No.I at Allikulam 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 one year months and to pay the double the cheque amount as compensation, carrying a default sentence of simple imprisonment of three 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.



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2. It is the case of the respondent that the petitioner approached the respondent and requested a sum of Rs.1,00,000/- as hand loan for his hotel business. When the respondent asked the petitioner to repay the said amount, the petitioner issued a cheque bearing No.920918, dated 19.03.2018, towards discharge of liability; that when the said cheque was presented for collection, it 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 a sum of 50% of the cheque amount.

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



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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 amount to the credit of C.C. No. 6793 of 2018 on the file of the learned Metropolitan Magistrate, Fast Track Court No.I at Allikulam, 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



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to the satisfaction of the learned Metropolitan Magistrate, Fast
Track Court No.I at Allikulam,;

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(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 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.

08.04.2026

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To

1. The Metropolitan Magistrate, Fast Track Court No.I at Allikulam, Chennai
2. The XX Additional Sessions Court, Allikulam, Chennai.

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C. KUMARAPPAN, J.

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