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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP Nos. 6869 & 6870 of 2026

IN

CRL RC NO. 883 OF 2026

K.K.Pharma
Rep by its Proprietor,
Mr.Kamalahassan aged about 40 years,
S/o Late R.Govindan,
No.48, Thathamuthippam Street,
Chennai.

..Petitioner(s) in both
Crl.M.Ps.

Vs

Vijay Pharma Distributors
Rep by Mr.Vijay Kumar,
No.30, New No.4, Appasamy Street,
Pattalam,
Chennai.

..Respondent(s) in both
Crl.M.Ps.

PRAYER in Crl.M.P.No.6869 of 2026: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, praying to suspend the sentence dated 04.04.2024 made in STC.No.1883 of 2022 on the file of Metropolitan Magistrate, FTC-IV, George Town, Chennai and confirmed by the Judgment dated 17.03.2026 in Crl.A. No.355 of 2024 on the file of XXII Additional Sessions Court, Chennai and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

PRAYER in Crl.M.P.No.6870 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt the petitioner from surrendering before the Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai in STC No.1883 of 2022, pending disposal of the above criminal revision.



In both Crl.M.Ps.

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For Petitioner(s):

M/S.J.Kiran Kumar

ORDER

The petitioner has preferred the above revision challenging the judgment dated 17.03.2026 passed in Crl.A. No. 355 of 2024 by the learned XXII Additional Sessions Court, Chennai confirming the judgment of the Trial Court convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing him to undergo three months simple imprisonment and to pay fine of Rs.3,58,229/-, in default, to undergo further simple imprisonment for 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.

2. It is the case of the respondent that the petitioner had issued 12 cheques, for Rs.3,58,229/- towards discharge of liability; that when the cheques were presented for collection, they were returned for the reason '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 judgments of the Courts below are liable to be set aside; and that, to show his bona fides, the petitioner is willing to deposit the sum equivalent to 50% of the cheque amount; and thus prays for suspension of the sentence.

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, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the Trial Court, pending disposal of the revision, subject to the following conditions:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner/Accused shall deposit 50% of the cheque amount, to the credit of STC No. 1883 of 2022 on the file of Metropolitan Magistrate, Fast Track Court-IV, George Town, 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/- (Rupees Ten Thousand only) 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. Accordingly, these Criminal Miscellaneous Petitions are ordered.

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20-04-2026
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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1.The XXII Additional Sessions Court, Chennai

2.The learned Metropolitan Magistrate, Fast Track Court-IV,
George Town, Chennai.



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C.KUMARAPPAN, J.

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IN
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**20-04-2026
(1/2)**