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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. 6798 & 6797 of 2026

IN

CRL RC NO. 875 OF 2026

Lalith A.Sheth
Proprietor, M/s.Lalit and Co,
New No.165, (Old No.80),
2nd Floor,
Govindappa Naicker Street,
Chennai.

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

Vs

Haresh Kumar Shah(HUF)
Mr.Niraj H Shah Karta,
New No.9, Old No.5,
Manikeshwari Road,
Kilpauk, Chennai-600 010.

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

PRAYER in Crl.M.P.No.6798 of 2026: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, praying to suspend the sentence imposed on the petitioner passed by the XXVI Metropolitan Magistrate, Egmore, Chennai in CC.No.4315 of 2016 by judgment dated 18.03.2025 and consequently release the petitioner on bail.

PRAYER in Crl.M.P.No.6797 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt the petitioner from surrendering before the concerned court order by XIX Additional City Civil and Sessions Court, Chennai, in C.A.No.512 of 2025 dated 02.02.2026 by confirming the conviction and sentence passed by the XXVI Metropolitan Magistrate, Egmore, Chennai in C.C.No.4315 of 2016 by judgment dated 18.03.2025.



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In both Crl.M.Ps.

For Petitioner(s):

Mr.S.Sarath Chandran

ORDER

The petitioner has preferred the revision challenging the judgment dated 02.02.2026 passed in Crl.A. No. 512 of 2025 by the learned XIX Additional City Civil and 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 six months simple imprisonment and to pay compensation of Rs.5,00,000/-, in default, to undergo simple imprisonment for 15 days. 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 cheque, dated 04.06.2014, for Rs.5,00,000/- towards discharge of liability; that when the said cheques were presented for collection, they were returned for the reason 'Payment Stopped by Drawer'; 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, during the pendency of the complaint the petitioner has already paid a sum of Rs.3,00,000/- .

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 considering the peculiar facts and circumstances, 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 shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of CC.No.4315 of 2016 on the file of XXVI Metropolitan Magistrate, Egmore, 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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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1.The XIX Additional City Civil and Sessions Court, Chennai.

2.The learned XXVI Metropolitan Magistrate, Egmore, Chennai.



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C.KUMARAPPAN, J.

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(1/2)**