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CRL MP No. 7070 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP No. 7070 of 2026

IN

CRL RC NO. 899 OF 2026

S.Kannagi
W/o Selvanambi,
Plot No.3, First Street,
Swamy Malai Nagar,
Old Pallavaram,
Chennai.

..Petitioner(s)

Vs

S.Loganayaki
W/o Sivakumar,
No.15/7, P.V.Kovil Street,
Royapuram,
Chennai.

..Respondent(s)

Prayer: Criminal Miscellaneous Petition is filed under Section 438(1) & 483 of BNSS, 2023 to suspend the execution of the sentence dated 24.12.2025 passed in CA.No.44 of 2024 passed against the revision petitioner by the I Additional Sessions Judge, City Civil Court, Chennai confirming the Judgment and sentence in CC.No.1601 of 2019 on the file of the Metropolitan Magistrate FTC-IV, George Town, Chennai dated 14.12.2023 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.

For Petitioner(s):

Prabhavathy R



ORDER

The petitioner has preferred the revision challenging the judgment dated 24.12.2025 passed in Crl.A. No. 44 of 2024 by the learned I Additional Sessions Judge, City Civil 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 a fine of Rs.7,00,000/-, in default to undergo a further period of three months simple imprisonment. The instant petition has been filed to suspend the sentence imposed on the petitioner, pending disposal of the revision.

2. It is the case of the respondent that the petitioner had issued a cheque, dated 20.04.2019, for Rs.7,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was 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 her 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.

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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, 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 CC No.1601 of 2019 on the file of Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai, within a period of six 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, the Criminal Miscellaneous Petition is ordered.

21-04-2026
(1/2)

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

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To

- 1.The learned I Additional Sessions Judge, City Civil 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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