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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. 6897 & 6900 of 2026

IN

CRL RC NO. 888 OF 2026

M.Subhasri
W/o.Mr.R.Gangadharan,
Proprietor-M/s.Bhuvaneswari Fabric Enterprises,
No.142/1, Balaji Street,
Srinivasa nagar,
Madipakkam,
Chennai-600 091.

..Petitioner(s)

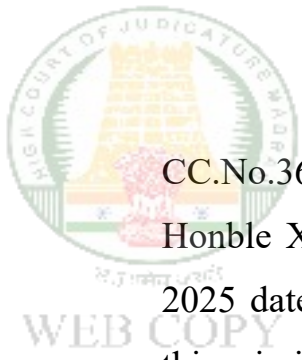
Vs

V.Venkatesan
S/o.Mr.M.Varadhapillai,
No.152/5A, Balaji Street,
Srinivasa Nagar,
Madipakkam,
Chennai-600 091.

..Respondent(s)

PRAYER in Crl.M.P.No.6897 of 2026: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, to suspend the sentence passed by the Learned Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai in C.C.No.3654 of 2019 as modified by the learned XVII Additional Judge, City Civil Court, Chennai in C.A.No.1063 of 2025 by judgment dated 25.03.2026 and enlarge the petitioner on bail, pending disposal of this criminal revision petition.

PRAYER in Crl.M.P.No.6900 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, to exempt the petitioner from surrendering before the learned Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai in



CC.No.3654 of 2019 consequent to the modified conviction order passed by the Honble XVII Additional Judge, City Civil Court, Chennai in C.A.No.1063 of 2025 dated 25.03.2026 and enlarge the petitioner on bail, pending disposal of this criminal revision petition.

For Petitioner(s): Mr.V.R. Mukunda Kumar

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 25.03.2026 passed by the learned XVII Additional Judge, City Civil Court, Chennai in C.A.No.1063 of 2025, modified the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo six months S.I. and to pay compensation of Rs.3,00,000/- i.d. to undergo further S.I. for one month. 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 three cheques for a sum of Rs.5,00,000/- towards discharge of liability; that when the said cheques was presented for collection, it was returned for the reasons 'Insufficient Funds; 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 their 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, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the Trial Court, subject to the following conditions:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit 50% of the cheque amount to the credit of C.C.No.3654 of 2019 on the file of the learned Metropolitan Magistrate, Fast Track Court -V, Saidapet, Chennai - 15, **on or before 18.05.2026.**

(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 his executing a bond a bond for a sum of Rs.10,000/- 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 he is not able to appear before the Trial Court on that day, he 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 their 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. Call the matter on **17.06.2026**.

20-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DRL

To

1.The Metropolitan Magistrate, Fast Track Court No.V,
Saidapet, Chennai-15

2.The XVII Additional City Civil Court, Chennai.



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C.KUMARAPPAN, J.

DRL

**CRL MP Nos. 6897 & 6900 of 2026
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(2/2)**

20-04-2026