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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP Nos. 7253 and 7254 of 2026

in

CRL RC No. 920 of 2026

R.Krishna kumar

..Petitioner

Vs

Kawarlal

..Respondent

Prayer in Crl.MP.No.7253 of 2026: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS to suspend the sentence of six months simple imprisonment imposed on the petitioner in CC.No.1494 of 2017 on the file of the Learned Metropolitan Magistrate, Fast Track Court - II, Egmore @ Allikulam, Chennai dated 03.03.2023 which was confirmed by the learned II Additional Sessions Judge, City Civil Court, Chennai in CA.No.197 of 2023, dated 25.02.2026.

Prayer in Crl.MP.No.7254 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS to exempt the petitioner from surrendering pursuant to the order of the learned II Additional Sessions Judge, City Civil Court, Chennai in C.A.No.197 of 2023 dated 25.02.2026 against the judgment of the learned Metropolitan Magistrate, Fast Track Court – II Egmore at Allikulam, Chennai in C.C.No.1494 of 2017 dated 03.03.2023.

For Petitioner:

Mr.A.Jagadeshwara



COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 27.11.2025 passed by the learned II Additional Sessions Judge, City Civil Court, Chennai in Crl.A.No.197 of 2023, confirming the judgment of the learned Metropolitan Magistrate, Fast Track Court-II, Egmore @ Allikulam, Chennai convicting the petitioners for the offence under Section 138 of the Negotiable Instruments Act, and sentenced them to undergo six months S.I. The instant petitions have been filed to suspend the sentence imposed on the petitioners and to exempt the petitioners from surrendering before the Trial Court, pending disposal of the above revision.

2. It is the case of the respondent that the petitioners had issued a cheque for a sum of Rs.14,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'Insufficient Funds'; that in spite of the statutory notice, the petitioners did not make the payment; and hence liable for the said offence.

3. The learned counsel for the petitioners would submit that the petitioners have raised substantial grounds in the above revision; that the petitioners have 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 petitioners are willing to deposit 50% of the cheque amount.



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

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5. Having regard to the submission made by the learned counsel for the petitioners that there are substantial grounds raised in the above revision which require consideration, and the fact that the petitioners are willing to deposit 50% of the cheque amount, this Court is inclined to grant suspension of sentence and exempt the petitioners 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 CC.No.1494 of 2017 on the file of the learned Metropolitan Magistrate, Fast Track Court-II, Egmore @ Allikulam, Chennai, on or before **20.05.2026**.

(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 them 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 they are not able to appear before the Trial Court on that day, they 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 **15.06.2026**.

22-04-2026

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

SHL



To:

1. The II Additional Sessions Judge,
City Civil Court, Chennai
2. The Metropolitan Magistrate,
Fast Track Court - II, Egmore @ Allikulam,
Chennai



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C.KUMARAPPAN J.

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