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CRL MP No. 8346 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-05-2026

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP No. 8346 of 2026

IN

CRL RC NO. 1028 OF 2026

Benny @ Benny Samraj
S/o.Joseph Simson,
39/F/2, Mandapam Street,
Madurantakam Town and Taluk,
Chengalpattu District.

..Petitioner(s)

Vs.

Ganesh Gift Corner
Rep. by its Sole Proprietor,
S.Kamalchand, M/A-49 Years,
S/o.M.C.Sampathraj,
No. 132/6, Hospital Road,
Maduranthakam Town and Taluk,
Chengalpattu District.

..Respondent(s)

Prayer : This Criminal Miscellaneous Petition is filed under Section 397 (1) of Cr.P.C. r/w 438(1) of the Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate, Maduranthakam passed in C.C.No.139 of 2018 dated 01.04.2021 convicting him u/s.138 of NI Act sentencing him to undergo 6 months SI and to pay the compensation a sum of Rs.14,00,000/- u/s.357 Cr.P.C which was partly allowed by the learned Principal District and Sessions Judge Chengalpattu in C.A.No.3/2022 dated 26.03.2026 sentencing him to undergo 6 months SI and



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reducing the compensation u/s.357 Cr.P.C to Rs.6,00,000/- and enlarge the petitioner on bail pending disposal of the above Criminal Revision .

For Petitioner(s) : Mr.T.R.Ravi

ORDER

The petitioner has preferred the above revision challenging the judgment dated 26.03.2026 passed by the learned Principal District and Sessions Judge, Chengalpattu in C.A.No.3 of 2022, modifying the judgment of the learned Judicial Magistrate, Maduranthakam dated 01.04.2021 in C.C.No.139 of 2018 by convicting the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act and sentencing him to undergo Simple Imprisonment for six months and to pay double the cheque amount i.e. Rs.14,00,000/- as compensation, to that of convicting the petitioner to undergo sentence for a period of six months simple imprisonment and to pay compensation to the tune of Rs.6,00,000/-.

2. The case of the prosecution that the petitioner was working as Head Master in ANM Government Primary School at Madurantakam and he borrowed a sum of Rs.7,00,000/- from the complainant on various dates and,



towards discharge of the said legally enforceable debt, issued two cheques dated 30.01.2026 for Rs.1,50,000/- and Rs.4,50,000/- . Upon receipt of the same, the cheques were dishonoured for “ insufficient funds” . Though statutory notice was issued, the petitioner failed to repay the amount thereby committing the offence punishable under Section 138 of the Negotiable Instruments Act. Aggrieved over the same, the present revision has been preferred by the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner has raised substantial grounds in the above revision, the petitioner has rebutted the statutory presumption and the judgment of the Courts below are liable to be set aside. He further submitted that in order to show his bona fides, the petitioner has already deposited a sum of Rs.1,40,000/- before the learned Judicial Magistrate, Madurantakam.

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 has already deposited a sum of Rs.1,40,000/- before the learned Judicial Magistrate, Madurantakam, this Court is of the view that the sentence of imprisonment alone can be suspended and the petitioner/appellant can be granted bail on certain conditions. Accordingly, pending disposal of the appeal, the sentence is suspended and the petitioner/appellant is enlarged on bail, subject to the following conditions:-

“(i) The petitioner/appellant shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Madurantakam.

(ii) 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;

(iii) The petitioner shall appear before the Trial Court on the first working day of every 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



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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 his absence as directed by the Trial Court.

6. Accordingly, these Criminal Miscellaneous Petition is ordered.

06-05-2026

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

To

1. The Principal District and Sessions Judge, Chengalpattu
2. The Judicial Magistrate, Maduranthakam.



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L.VICTORIA GOWRI, J.

KKD/SSD

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(2/2)**

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