



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL MP Nos. 7752 & 7753 of 2026

IN

CRL RC NO. 971 OF 2026

Selvi

..Petitioner in both
Crl.M.Ps.

Vs

D.Venkatesh Deepak

..Respondent in both
Crl.M.Ps.

CRL MP No. 7752 of 2026

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, to suspend the sentence imposed on the petitioner in S.T.C.No.112/2024 dated 05.05.2025 on the file of the learned Metropolitan Magistrate, Fast Track Court-II, Egmore @ Allikulam, Chennai, as confirmed in C.A.No.734/2025 dated 10.04.2026 on the file of the learned XXI Additional Sessions Judge, Chennai, pending disposal of the Criminal Revision Petition.

CRL MP No. 7753 of 2026

PRAYER: Criminal Miscellaneous Petition filed under Section 528 of BNS, to exempt the petitioner from surrendering in S.T.C.No.112 of 2024 (on the file of the learned FTC-II, Metropolitan Magistrate, at Egmore (Allikulam), dated 05.05.2025 till the disposal of the above Criminal Revision Petition.

For Petitioner:

Mr.G.Ashokkumar in both cases.



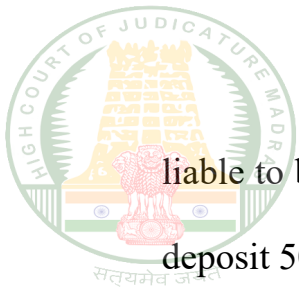
COMMON ORDER

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The petitioner has preferred the above revision challenging the judgment dated 10.04.2026 passed by the learned XXI Additional Sessions Judge, Chennai in C.A.No.734 of 2025, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing her to undergo Simple Imprisonment for six months and to pay a sum of Rs.9,08,000/- as compensation, and in default to undergo Simple Imprisonment for two months. 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 issued a cheque for a sum of Rs. 9,08,000/- towards the discharge of liability; that when the said cheque was presented for collection, it was returned for the reason 'Funds Insufficient'; and that despite receiving the statutory notice, the petitioner did not make the payment and hence, liable for prosecution.

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 her bona fides, the petitioner is willing to deposit 50% of the cheque amount.

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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 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 deposits 50% of the cheque amount to the credit of S.T.C.No.112 of 2024 on the file of the learned Metropolitan Magistrate, Fast Track Court No. II, Egmore at Allikulam, 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.



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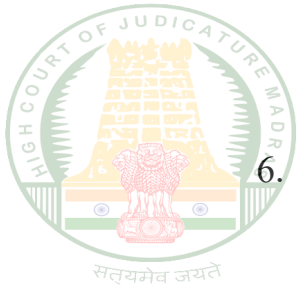


(iii) Thereafter, the sentence of imprisonment alone imposed on the petitioner/accused shall be suspended, on her executing a bond for a sum of Rs.10,000/- with two sureties, each for a like sum, to the satisfaction of the Trial Court.

(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 every 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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29-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

NSL

To

1. The XXI Additional Sessions Judge, Chennai.

2. The Metropolitan Magistrate, Fast Track Court No. II, Egmore at Allikulam, Chennai,



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A.D.JAGADISH CHANDIRA, J.

NSL

**CRL MP Nos. 7752& 7753 of 2026
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**29-04-2026
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