



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP Nos. 11562 & 11557 of 2026

1. M/s.Sha Enterprises,
Rep.by its Director,
Mr.IMTIAZ HAS HASATAR,
No.3/3, Building No.6, Next to Cauvery Tank,
Kodochikkanahalli, Begur Hobli,
Bommanhall, Bangalore-560 068.
2. Imtiaz Has Hasatar
Director M/s.SHA Enterprises,
No.3/3, Building No.6, Next to Cauvery Tank,
Koduchikkanahalli, Begur Hobli,
Bommanhall, Bangalore-560 068.

..Petitioners in both
cases

Vs

M/s.P.S.Weavers Private Limited
Rep.by its Chief Accounts Manager,
K.Rajangam,
Having Office at No.15, Race Course Road,
Guindy, Chennai-600 032.

..Respondent in both
cases

PRAYER in Crl.O.P.No.11562 of 2026: This criminal original petition filed under Section 528 of BNSS to set aside the condition passed in M.P.No.1 of 2026 in Crl.A.No.539 of 2026 that the petitioner shall deposit 20 % of the compensation amount to the credit of C.C.No.5519 of 2018 on the file of the trial Court within thirty days, passed dated 16.04.2026 by the learned XV Additional City Civil Judge, Chennai.



PRAYER in Crl.O.P.No.11557 of 2026: This criminal original petition filed under Section 528 of BNSS to extend the time limit for a period of two weeks for executing a bond for a sum of Rs.10,000/- along with two sureties each for a like sum to the satisfaction of the learned XXXV Metropolitan Magistrate, Fast Track Court No.II, Egmore @ Allikulam, Chennai, as per the order in Crl.M.P.No.1 of 2026 in Crl.A.No.539 of 2026 dated 16.04.2026 passed by the learned XV Additional City Civil Judge, Chennai.

For Petitioners in both
cases:

Mr.C. Krishnamoorthy

COMMON ORDER

Crl.OP.No.11562 of 2026

This criminal original petition has been filed to set aside the condition passed in M.P.No.1 of 2026 in Crl.A.No.539 of 2026 that the petitioner shall deposit 20 % of the compensation amount to the credit of C.C.No.5519 of 2018 on the file of the trial Court within thirty days, passed dated 16.04.2026 by the learned XV Additional City Civil Judge, Chennai.

2.The petitioners/accused in C.C.No.5519 of 2018 under Section 138 of Negotiable Instruments Act were convicted by judgement dated 09.03.2026 and sentenced to one year simple imprisonment and directed to pay the cheque amount of Rs.27,34,903/- as compensation. Aggrieved against the same, the

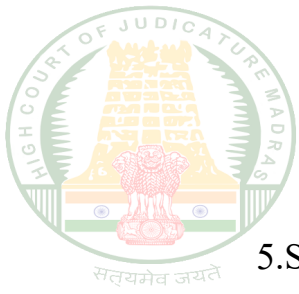


petitioners filed an appeal in Crl.A.No.539 of 2026 before the XV Additional Sessions Court, Chennai. Pending appeal, the petitioners filed Crl.MP No.1 of 2026 seeking suspension of sentence. The Sessions Judge, by order dated 16.04.2026 suspended the sentence on condition that the petitioners to deposit 20% of the compensation amount /cheque amount within a period of 30 days to the credit of C.C.No.5519 of 2018 before the trial Court. Since the petitioners are unable to mobilise the funds and it was a business transaction, the present petition has been filed.

Crl.O.P.No.11557 of 2026

3.This criminal original petition has been filed to extend the time limit for a period of two weeks for executing a bond for a sum of Rs.10,000/- along with two sureties each for a like sum to the satisfaction of the learned XXXV Metropolitan Magistrate, Fast Track Court No.II, Egmore @ Allikulam, Chennai, as per the order in Crl.M.P.No.1 of 2026 in Crl.A.No.539 of 2026 dated 16.04.2026 passed by the learned XV Additional City Civil Judge, Chennai.

4.The lower appellate Court suspended the sentence and directed the petitioners to execute a bond for a sum of Rs.10,000/- along with two sureties. The petitioners are unable to execute a bond within a limit fixed by the lower Court. Hence, the present petition.

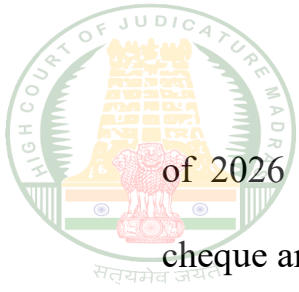


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5. Since the petitioners and the issues involved in both cases are one and the same, both petitions were heard together and are being disposed of by this common order.

6. The learned counsel for the petitioners vehemently contended that there was a business transaction between the petitioners and the respondent. The 2nd petitioner examined himself as DW1 and marked Exs.D1 and D2 to show that the Accounts was finalized between them and total liability was fixed at Rs.90,76,907/- (in respect of C.C.No.5519 of 2018 amount of Rs.27,34,903/- and another C.C.No.5520 of 2018 amount of Rs.63,42,004/-), out of which, the petitioners paid Rs.78 lakhs and hence, a security cheque, which was given earlier, had been misused. The petitioners referred to the statement of accounts for the period from 01.09.2016 to 31.11.2016 in support of his contention and submitted that the cheque in this case is of the year 2018, which would prove a security cheque filed up and misused.

7. This court finds that the submissions of the petitioners relate to the merits of the case. The subject matter has to be decided before the lower appellate Court with regard to the petitioner's contention that he paid Rs.78 lakhs as one time settlement in respect of C.C.Nos.5519 & 5520 of 2018. Considering the same, this Court modifies the condition imposed in M.P.No.1



of 2026 on 16.04.2026 and directs the 2nd petitioner to deposit 15% of the cheque amount within a period of three weeks from the date of receipt of a copy

of this order. It is made clear that no further extension of time will be granted.

If the 2nd petitioner fails to comply with this order within the stipulated time, the order of suspension of sentence shall stand automatically cancelled.

8. With the above directions, these criminal original petitions are disposed of.

01-06-2026

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

To

1. XV Additional City Civil Court, Chennai.

2. XXXV Metropolitan Magistrate Court,
Fast Track Court No. II, Egmore @ Allikulam,
Chennai.



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CRL OP No. 11562 & 11557 of 2



M.NIRMAL KUMAR, J.

sms

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