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CRL MP No. 8352 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-05-2026

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP No. 8352 of 2026

IN

CRL RC NO. 1031 OF 2026

P.HemanthKumar S/o.Ponnusamy,
B-Block, F-3, Rain Tree Apartment,
No.5, Sangam Street,
Oragadam,
Ambattur,
Chennai-600053.

..Petitioner(s)

Vs

B.Sankaran S/o.Rathinam,
No.10/2A, Thillaiyadi Valliammai Street,
Kennady Square,
Perambur,
Chennai-600 011.

..Respondent(s)

PRAYER: This Criminal Miscellaneous Petition has been filed under Section 430(1) read with 483 of B.N.S.S. to suspend the sentence imposed by the learned I Additional Sessions Judge, City Civil Court, Chennai in Crl.A.No.750/2025 Judgment dated 25.03.2026 by confirming the judgment and sentence passed by the learned XX Metropolitan Magistrate Court, Egmore @ Allikulam, Chennai in C.C.No.6644/2018 dated 16.05.2025 pending disposal of the Crl.RC.No.1031/2026 on the file of this Honble court.

For Petitioner(s): Mr. E.Kannadasan

For Respondent(s): Mr.A. Damodaran,
Additional Public Prosecutor.



ORDER

The petitioner has preferred the above revision against the judgment dated 25.03.2026 passed by the learned I Additional Sessions Judge, City Civil Court, Chennai in Crl.A.No.750/2025 confirming the order of conviction and sentence against the petitioner passed in C.C.No.6644/2018 dated 16.05.2025 on the file of the learned XX Metropolitan Magistrate Court, Egmore @ Allikulam, Chennai. The petitioner was convicted for the offence under Section 138 of Negotiable Instruments Act and he was sentenced to undergo five months Simple Imprisonment and to pay the cheque amount of Rs.9,50,000/- with interest at the rate of 6% per annum from the date of filing of the complaint to the defacto complainant within 2 months, in default to undergo a further period of one month Simple imprisonment.

2. The instant petition has been filed to suspend the sentence imposed on the petitioner pending disposal of the above revision.

3. The case of the prosecution is that petitioner / accused had borrowed a sum of Rs.7,92,000/- on various dates on execution of Promissory Note on 20.10.2017 and agreed to repay the amount with interest at the rate of 24% per annum. He had also handed over the Original Title Deeds of the property at Sholingur, as security for the above said loan. The accused paid interest to the



tune of Rs.20,000/- only till January 2018. Thereafter, he failed and neglected to repay the principal as well as the interest and failed to execute the mortgage deed as agreed. The petitioner / accused is liable to pay a sum of Rs.9,62,000/- as on 24.04.2018. In order to clear the said dues, the petitioner / accused had issued a Cheque bearing No.663515 dated 24.04.2018 for a sum of Rs.9,50,000/- drawn at State Bank of India, Jawahar Nagar branch in favour of the defacto complainant and the same was dishonoured on 26.04.2018 as 'funds insufficient'. Therefore, the defacto complainant issued a demand notice dated 09.05.2018 demanding to pay the due amount within 15 days from the date of receipt of notice and the same was received by the petitioner. But the petitioner / accused failed to repay the amount. Hence the case.

4. The learned counsel for the petitioner would submit that the judgment and sentence of the Court below are contrary to law and there are no materials and evidences to prove the offences charges against the petitioner and hence, he prayed to suspend the sentence imposed on the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the trial Court, after taking into consideration the oral and documentary evidence produced by the prosecution, rightly found the petitioner/appellant guilty and convicted and sentenced him, as stated above.



6. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent perused the materials available on record.

7. 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, 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 shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned XX Metropolitan Magistrate Court, Egmore @ Allikulam, Chennai;

(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; and

(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 appeal and if he is not able to appear before the Trial Court on any 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 his absence, as directed by the Trial Court.



8. Accordingly, this Criminal Miscellaneous Petition is ordered.

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

MJS /VEDA

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The I Additional Sessions Judge, City Civil Court, Chennai.
2. The XX Metropolitan Magistrate Court, Egmore @ Allikulam, Chennai.
3. The Public Prosecutor, High Court of Madras.



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L.VICTORIA GOWRI, J.

MJS / VEDA

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