



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-05-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

CRL MP Nos. 8590 & 8594 of 2026

IN

CRL RC NO. 1079 of 2026

P.Manikandaprabhu

..Petitioner(s) in
both Crl.M.P's

Vs

L.Parthiban

..Respondent(s)
in both Crl.M.P's

Prayer in CRL MP No.8590 of 2026: This petition is filed under Section 430 of BNSS, 2023, pleaded to suspend the sentence passed in Crl.A.No. 222/2025 dated 10.04.2025 on the file of the Learned V Additional Sessions Judge, Chennai confirming the judgment passed in C.C.No.918 of 2017 on the file of the Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai – 15 vide order dated 28.01.2025.

Prayer in CRL.M.P.No.8594 of 2026: This petition is filed under Section 528 of BNSS, 2023, pleaded to exempt the petitioner from surrendering on the Appellate Court judgment passed in Crl.A.No.222 of 2025 vide order dated 10.04.2025 on the file of the Learned V Additional Sessions Judge, Chennai confirming the judgment passed in C.C.No.918 of 2017 on the file of the Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai – 15 vide order dated 28.01.2025.

In Both Crl.M.P's:-

For Petitioner(s):

Mr.M.Arokiaraj



COMMON ORDER

WEB COPY Heard Mr.M.Arokiaraj, learned Counsel for the Revision Petitioner.

2. Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioner by the Metropolitan Magistrate Fast Track Court-III, Saidapet, Chennai, in C.C.No.918 of 2017, dated 28.01.2025, which was confirmed by learned V Additional Sessions Judge, Chennai, in Crl.A.No.222 of 2025, dated 10.04.2025 and to exempt the petitioner from surrendering before the Court below.

3. Learned counsel for petitioner would submit that petitioner was convicted by Metropolitan Magistrate Fast Track Court-III, Saidapet, Chennai for offence under Section 138 of the Negotiable Instruments Act in C.C.No.918 of 2017, dated 28.01.2025 and sentenced him to undergo 6 months simple imprisonment and directed to pay cheque amount of Rs.10,00,000/- as compensation to the complainant under Section 357(3) of Cr.P.C, in default to undergo two months simple imprisonment. Aggrieved, petitioner filed criminal appeal in Crl.A.No.222 of 2025 before V Additional Sessions Judge, Chennai and the lower Appellate Court, by the judgment dated 10.04.2026 dismissed the appeal confirming the conviction and sentence passed by the trial Court.

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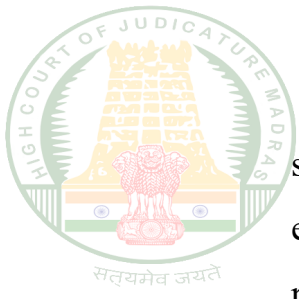
Aggrieved, petitioner filed Crl.R.C.No.1079 of 2026 before this Court along with the instant miscellaneous petitions seeking suspension of sentence and exemption from surrender.

4. Learned Counsel for petitioner would further submit that petitioner has raised substantial grounds in the above revision, which requires consideration; and that to show his bonafides, petitioner is willing to deposit 50% of the cheque amount, before the trial Court. Hence, he prayed for granting suspension of sentence to the petitioner and exempting the petitioner from surrendering before the Trial Court .

5. Considering the fact that there are arguable points raised in revision and taking into consideration, facts and circumstances of the case and that it is likely to take a while before the revision is finally heard¹, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the trial court, on the following conditions, till the disposal of the above Criminal Revision:

(i) Petitioner is directed to deposit 50% of cheque amount to the credit of C.C.No.918 of 2017, dated 28.01.2025 on the file of Metropolitan Magistrate Fast Track Court-III, Saidapet, Chennai within a period of four weeks from the date of receipt of a copy of this order, failing which the sentence suspended

¹. Atul Alias Ashutosh vs. State of Madhya Pradesh, (2024) 3 SCC 663
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shall stand automatically vacated and respondent is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law;

(ii) Any amount already paid shall be deducted while reckoning 50% of cheque amount directed in clause (i);

(iii) On such deposit, petitioner is directed to 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 Metropolitan Magistrate Fast Track Court-III, Saidapet, Chennai;

(iv) Petitioner and sureties shall affix their photographs and Left Thumb Impression in the bond and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity;

(v) Petitioner shall appear and sign before the trial Court, on the first working day of every month at 10.30 a.m., until the disposal of the revision;

(vi) In case, if petitioner is not able to appear before the trial Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C. (corresponding to 355 B.N.S.S) 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 Petitions are
ordered.

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Note:

1. Registry is directed to forthwith upload this order on the Official Website of this Court.

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

To

- 1.The Metropolitan Magistrate,
Fast Track Court-III, Saidapet, Chennai - 15.
- 2.V Additional Sessions Judge,
Chennai.
- 3.The Inspector of Police
TIW (E) Coimbatore City Police Station,
- 4.The Public Prosecutor
High Court of Madras.



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MOHAMMED SHAFFIQ, J.

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**29-05-2026
(2/2)**