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Crl.M.P.Nos.698 and 699 of 2026  
in Crl.R.C.No.121 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 30.01.2026**

CORAM

**THE HONOURABLE MR JUSTICE SUNDER MOHAN**

**Crl.M.P.Nos.698 and 699 of 2026**  
**in**  
**Crl.R.C.No.121 of 2026**

M.Devi

...Petitioner in both cases

-VS-

P.Selvam

...Respondent in both cases

**PRAYER in Crl.M.P.No.698 of 2026:** Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, praying for suspension of the conviction and sentence passed in Crl.A.No.46 of 2021 dated 30.09.2024 on the file of the XX Addl. Sessions Court, Chennai confirming the conviction and sentence passed in C.C.No.2445 of 2017 dated 11.02.2021 on the file of the Metropolitan Magistrate, Fast Tract Court – II, Allikulam, Chennai – 03, and enlarge on bail.

**PRAYER in Crl.M.P.No.699 of 2026:** Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to grant exemption of surrender of the petitioner in Crl.A.No.46 of 2021 dated 30.09.2024 on the file of the XX Addl.



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Sessions Court, Chennai confirming the conviction and sentence passed in C.C.No.2445 of 2017 dated 11.02.2021 on the file of the Metropolitan Magistrate, Fast Tract Court-II, Allilkulam, Chennai – 03.

For Petitioner : M/s.D.N.Dhurgasha

### **COMMON ORDER**

The petitioner has preferred the above revision challenging the judgment passed by the XX Additional Sessions Court, Chennai, in Crl.A.No.46 of 2021 dated 30.09.2024, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo one year Simple Imprisonment and to pay compensation of Rs.12,00,000/-, in default, to undergo further Simple Imprisonment for three 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 had issued a cheque for a sum of Rs.12,00,000/- towards discharge of liability; that when the said

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cheque was presented for collection, it was returned for the reason 'funds insufficient'; that in spite of the statutory notice, the petitioner did not make the payment; and hence liable for the said offence.

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. He further submits that the petitioner has already deposited a sum of Rs.2,40,000/- i.e., 20% of the cheque amount, to the credit of CC.No.2445 of 2017 and a proof to that effect has also been produced before this Court.

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 20% of the cheque amount, this Court is inclined to grant suspension of sentence and



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exempt the petitioner from surrendering before the Trial Court, subject to the following conditions:

(i) 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 likesum to the satisfaction of the learned Metropolitan, Fast Tract Court-II, Allikulam, Chennai – 03.

(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 a 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.



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6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

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**SUNDER MOHAN, J.**

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To

1.The XX Addl. Sessions Court, Chennai

2.The Metropolitan Magistrate, Fast Tract Court – II,  
Allikulam, Chennai – 03

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