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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.21833 of 2026
in
Crl.R.C.No.2544 of 2026

Balaji Raja ... Petitioner

Vs.

R.Elumalai … Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 438(1) read with 442 of BNSS, 2023 praying to suspend the sentence imposed upon the petitioner by the learned Metropolitan Magistrate, FTC – V, Saidapet, Chennai in C.C.No.1283 of 2021 on 18.08.2025 and confirmed by the learned XVII Additional City Civil Court, Chennai in Crl.A.No.1123 of 2025 on 24.09.2026 and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

For Petitioner : Mr.Rahul M.Shankhar

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O R D E R

The petitioner has preferred the above revision challenging the judgment dated 24.09.2026 passed by the learned XVII Additional Judge, City Civil Court, Chennai, in Crl.A.No.1123 of 2025 confirming the judgment of the learned Metropolitan Magistrate, Fast Track Court No.V, Saidapet, Chennai convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, 1881, and sentencing him to undergo simple imprisonment for a period of three months and to pay a sum of Rs.2,00,000/- along with interest at 3% per annum from the date of dishonour of the cheque till judgment to the complainant as compensation, in default, to undergo one month simple imprisonment. The instant petition has been filed to suspend the sentence imposed on the petitioner.

2. It is the case of the respondent/complainant that the petitioner/accused had issued a cheque for a sum of Rs.2,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned stating 'Non-CTC Cheque'; that in spite of the statutory notice, the petitioner did not make the payment; and hence liable for the said offence.

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3. The learned counsel for the petitioner would submit that the revision petitioner has established before the trial Court that the cheque could not have been issued on the date alleged by the respondent; that the cheque had been handed over to the respondent as security for a chit transaction which took place in the year 2014; that the cheque was returned for the reason "Non-CTS Cheque", which probabilises the case of the petitioner; and that, to show his *bona fides*, the petitioner is willing to deposit 30% of the cheque amount.

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 30% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner, subject to the following conditions:

(i) The petitioner/accused shall deposit 30% of the cheque amount to the credit of C.C.No.1283 of 2021 on the file of learned Metropolitan Magistrate, Fast Track Court No.V,

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Saidapet, Chennai within a period of four 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;

(iii) Thereafter, the sentence of imprisonment alone imposed on the petitioner/accused shall be suspended, on his executing 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 No.V, Saidapet, Chennai ;

(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 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

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Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court; and

(vi) On the failure of the petitioner/Accused, depositing the said amount, it is open to the Trial Court to commit the petitioner/accused into custody for undergoing the sentence.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

20.11.2026
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To

1.The Metropolitan Magistrate,
Fast Track Court-No.V,
Saidapet, Chennai.

2.The XVII Additional Judge,
City Civil Court,
Chennai.

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SUNDER MOHAN, J.

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