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CRL MP No. 24763 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 24763 of 2025

IN

CRL RC NO. 2876 OF 2025

S.Ravi
S/o Srinivasn, No.45, Ground Floor, 4th
Block, Mogappair West,
Chennai - 39.
Presently residing at,
No.454, First Floor, 2nd block,
Kalamegam Street, Mogappair,
Chennai – 600 037.

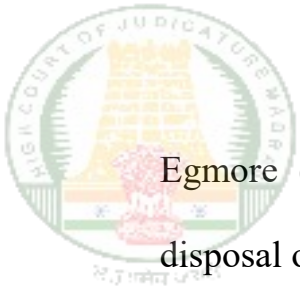
Petitioner(s)

Vs

A.G.Shivaraman
S/o A.Govindarajulu,
Rep by his Power Agent
Mr.S.Karthikeyan,
S/o A.G.Shivaraman,
No.43/89, 1st Floor, B.B.Road,
3rd Lane, Vyasarpadi,
Chennai – 600 039.

Respondent(s)

Prayer: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS to suspend the execution of sentence imposed by judgment dated 08.09.2025 in C.A. No. 368 of 2024 passed by the learned XIX Additional Judge, City Civil Court, Chennai confirming the judgment dated 18.04.2024 passed in S.T.C. No. 9981 of 2022 by the learned Metropolitan Magistrate, Fast Track Court II,



Egmore @ Allikulam, Chennai and release the petitioner on bail pending disposal of the revision.

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For Petitioner

::

Mr.L. Thiyaigaiya

ORDER

The petitioner has preferred the above revision challenging the judgment dated 08.09.2025 passed by the learned XIX Additional Judge, City Civil Court, Chennai confirming the judgment dated 18.04.2024 passed by the learned Metropolitan Magistrate, Fast Track Court II, Egmore @Allikulam, Chennai, in S.T.C. No. 9981 of 2022 convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentencing him to undergo simple imprisonment for a period of six months and to pay compensation of Rs.5,00,000/- and in default, to undergo simple imprisonment for a period of two months. The instant petition has been filed to suspend the sentence imposed on the petitioner.

2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.5,00,000/- towards discharge of liability; that when the said 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 judgments of the Courts below are liable to be set aside; 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 S.T.C.No.9981 of 2022 on the file of the learned Metropolitan Magistrate, Fast Track Court II, Egmore @ Allikulam, 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;

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(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/- with two sureties each for a likesum to the satisfaction of the learned Metropolitan Magistrate, Fast Track Court II, Egmore @ Allikulam, 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 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.

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02.01.2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The XIX Additional Judge,
City Civil Court, Chennai.
2. The Metropolitan Magistrate,
Fast Track Court II,
Egmore @ Allikulam, Chennai.

3.A.G.Shivaraman
S/o A.Govindarajulu, Rep by his Power
Agent Mr.S.Karthikeyan, S/o
A.G.Shivaraman, No.43/89, 1st Floor,
B.B.Road, 3rd Lane, Vyasarpadi,
Chennai –600 039.



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SUNDER MOHAN J.

nv

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