



WEB COPY

CRL MP No. 5154 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP No. 5154 of 2026

IN

CRL RC NO. 679 OF 2026

P.Saradha

..Petitioner(s)

Vs

J.Selvarajan

..Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Sections 397(1) & 438(1) of Cr.P.C., to suspend the execution of the sentence dated on 16th July 2025 passed in C.A. No.595 of 2023 against the Revision Petitioner by the learned VI Additional Sessions Judge, City Civil Court, Chennai confirming the judgment and sentence in the C.C.No.4506 of 2019 dated 12.09.2023 on the file of the learned Metropolitan Magistrate Fast Track Court No.V, Saidapet, Chennai and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.

For Petitioner : Mr.V.Navaneetha Krishna

For Respondent : Mr.K.V. Sajeevkumar



ORDER

The petitioner has preferred the above revision challenging the judgment dated 16.07.2025 passed by the learned VI Additional Sessions Judge, City Civil Court, Chennai in C.A.No.595 of 2023, whereby, the judgment of the learned Metropolitan Magistrate Fast Track Court – V, Saidapet, Chennai, dated 12.09.2023 in C.C.No.4506 of 2019 was confirmed and the appeal was dismissed. The conviction and sentence imposed on the petitioner is as follows:-

Under Section 138 of the Negotiable Instruments Act and under section 255(2) of Cr.P.C., petitioner is sentenced to undergo simple imprisonment for eight months and to pay compensation amount of Rs.11,80,000/-; and under section 357(3) of Cr.P.C., in default of payment of compensation, the accused is directed to under go simple imprisonment for three months.

2. The instant petition has been filed to suspend the sentence imposed on the petitioner.

3. It is the case of the respondent/complainant that the petitioner/accused had issued a cheque for a sum of Rs.11,80,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned stating 'Refer to Drawer'; that in spite of the statutory notice, the petitioner did not make the payment; and hence liable for the said offence.



4. 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; and that, to show his bona fides, the petitioner is willing to deposit 50% of the cheque amount.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. 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 50% 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 50% of the cheque amount to the credit of C.C. No. 4506 of 2019 on the file of learned Metropolitan Magistrate, Fast Track Court No.V, Saidapet, Chennai, within a period of six 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/- with two sureties each for a likesum 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 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.

7. Accordingly, this Criminal Miscellaneous Petition is ordered.

23-03-2026
(2/2)

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



To

1. The VI Additional Sessions Judge, City Civil Court, Chennai.

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

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C.KUMARAPPAN, J.

DRL

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