



Crl.M.P. Nos. 960 & 962 of 2026
in
Crl.R.C. No. 152 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P. Nos. 960 & 962 of 2026
in
Crl.R.C. No. 152 of 2026

Mr.K.Prakash,
Son of Sri.Kanthasamy,
Residing at Old No.10/2, New No.40,
Mayor Basu Dev 2nd Street,
Old Washermenpet,
Chennai – 600 021.

..Petitioner

Vs.

Mr.N.Ravi,
Son of Late Sri.A.Nethaji,
No.28/2, R.K. Nagar 1st Street,
Korukkupet,
Chennai – 600 021.

..Respondent

Prayer in Crl.M.P.No.960/2026:Criminal Miscellaneous Petition filed under Section 438(1) and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 to suspend the execution of sentence Judgment dated 17.08.2023 in Criminal Appeal No.69 of 2023 on the file of VII Additional District and Sessions Court, Chennai dismissing the appeal and confirming the judgment of



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conviction and sentence in C.C.No.670 of 2019 on the file of Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai convicting the revision petitioner under section 138 of the Negotiable Instruments Act, 1881 and sentenced him to undergo simple imprisonment for three months and he is directed to pay Rs.7,00,000/- as compensation to the complainant and revision petitioner enlarge the petitioner on bail pending disposal of the above main Criminal Revision Petition.

Prayer in Crl.M.P.No.962/2026:Criminal Miscellaneous Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to grant exemption from surrender vide Judgment dated 17.08.2023 in Criminal Appeal No.69 of 2023 on the file of VII Additional District and Sessions Court, Chennai dismissing the appeal and confirming the judgement of conviction and sentence in C.C.No.670 of 2019 on the file of Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai convicting the revision petitioner under Section 138 of the Negotiable Instruments Act, 1881 and sentenced him to undergo simple



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imprisonment for three months and he is directed to pay Rs.7,00,000- as compensation to the complainant.

For Petitioner :: Mr.G.Krishnamurthy

O R D E R

The petitioner has preferred the above revision challenging the judgment dated 17.08.2023 passed by the learned VII Additional District and Sessions Court, Chennai in Crl.A.No.69 of 2023 confirming the judgment of the learned Magistrate 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 three months besides directing the petitioner to pay compensation of Rs.7,00,000/- to the complainant. 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.7,00,000/- towards discharge of liability; that when



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the said cheque was presented for collection, it was returned stating 'Kindly contact Drawer'; 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; and that, to show his bona fides, the petitioner is willing to deposit 50% 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 50% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner and exempt the petitioner



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

(i) The petitioner/Accused shall deposit 50% of the cheque amount to the credit of C.C. No. 670 of 2019 on the file of learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, 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 him 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 at Magisterial Level-IV, George Town, Chennai;

(iv) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and



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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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To

1. The VII Additional District and Sessions Court, Chennai.
2. The Metropolitan Magistrate, Fast Tract Court
at Magistrate Level-IV, George Town,
Chennai.



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SUNDER MOHAN,J.

Tsg

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