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Crl.M.P. Nos. 1420 & 1422 of 2026
in
Crl.R.C. No. 209 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. 1420 & 1422 of 2026
in
Crl.R.C. No. 209 of 2026

Kajuluri Venkata Nuki Reddy
S/o.Subba Reddy

..Petitioner

Vs.

1.Chintapalli Nithyananda Reddy
S/o.Surapitu Reddy.

2.State Rep. By the
Public Prosecutor
Pondicherry.

..Respondent

Prayer in Crl.M.P.No.1420/2026:Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023 to suspend the sentence, imposed on the petitioner in Criminal Appeal No.58/2024 dt.28.10.2025 on the file of the Learned Principal Sessions Judge, Puducherry by confirming the order passed in S.T.C.No.221/2022 on the file of the Learned Assistant Sessions Judge-cum-Judicial Magistrate,



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Yanam, Puducherry dt.10.10.2024 and enlarge the petitioner on bail.

Prayer in Crl.M.P.No.1422/2026:Criminal Miscellaneous Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to pass an order of exemption from surrender by the petitioner before the learned Judicial Magistrate, Yanam, Puducherry in S.T.C.No.221 of 2022 on the file of the Learned Judicial Magistrate, Yanam, Puducherry, passed by the learned Principal Sessions Judge, Puducherry in Crl.Appeal No.58 of 2024 dated 28.10.2025, pending the disposal of the above Criminal Revision Petition.

For Petitioner	::	Mr.K.Kesavan
For Respondent	::	Mr.M.V.Ramachandra Murthy for R2

O R D E R

The petitioner has preferred the above revision challenging the judgment dated 28.10.2025 passed by the learned Principal Sessions Judge, Puducherry in Crl.A.No.58 of 2024 confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the



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Negotiable Instruments Act, and sentencing him to undergo simple imprisonment for a period of four months and to pay a fine of Rs.1,00,000/-, in default, to undergo two months simple imprisonment. 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.8,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned stating 'exceeds arrangement'; 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.



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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 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 S.T.C. No. 221 of 2022 on the file of learned Judicial Magistrate, Yanam, Puducherry, within a period of four weeks from the date of receipt of a copy of this order;



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(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 Judicial Magistrate, Yanam, Puducherry;

(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



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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, these Criminal Miscellaneous Petitions are ordered.

Tsg

30.01.2026
(2/2)

To

1. The Principal Sessions Judge,
Puducherry.
2. The Assistant Sessions-cum-Judicial Magistrate,
Yanam, Puducherry.



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SUNDER MOHAN,J.

Tsg

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