



WEB COPY

Crl.M.P.No.39 of 2026 in Crl.RC.No.9 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL MP No.39 of 2026

in

CRL RC No.9 of 2026

G.Azhaghusundari

... Petitioner

Vs.

E.Ravi

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of the BNSS, to suspend the sentence imposed on the petitioner in the Judgment dated 24.09.2025 in S.T.C.No.5662 of 2023 passed by the learned XXVI Metropolitan Magistrate, Egmore, Chennai and enlarge the petitioner on bail pending disposal of the above revision.

For Petitioner : Mr.S.Deivasigamani

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned XXVI Metropolitan Magistrate, Egmore, Chennai, dated 24.09.2025 in S.T.C.No.5662 of 2023.

2. The case of the respondent is that the petitioner had issued a cheque for Rs.3,00,0000/- (Rupees Three Lakhs Only) on 23.02.2023;



that when the said cheque was presented for collection, it was dishonoured for the reason “Funds Insufficient and drawers signature differs”; and that in spite of statutory notice, the petitioner did not make the payment.

3. The petitioner/accused in S.T.C.No.5662 of 2023 was convicted by the Trial Court for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo three months Simple Imprisonment and to pay compensation of a sum of Rs.3,00,000/- (Rupees Three Lakhs only), in default, to undergo simple imprisonment for 15 days. Challenging the judgment of conviction and sentence imposed by the trial court, the petitioner has preferred an appeal in Crl.A No.664 of 2024 before the V Additional Judge, City Civil Court, Chennai, and the said appeal was dismissed by judgment dated 29.08.2025. Aggrieved by the same, the petitioner has filed the above Criminal Revision along with the instant miscellaneous petition seeking suspension of sentence.

4. The learned counsel for the petitioner, would submit that both the Courts below failed to appreciate that the debt is barred by limitation;



that the respondent had not produced any proof to establish that the petitioner had borrowed a sum of Rs.3,00,000/- (Rupees Three Lakhs Only); that though the respondent claimed that the petitioner had executed a promissory note, the same was not filed and all these facts are admitted by the respondent in the cross-examination and that to show her bonafides, the petitioner is willing to deposit a sum of Rs.1,00,000/-.

5. Considering the submissions made by the petitioner and finding force in the same, this Court is inclined to suspend the sentence imposed on the petitioner by the trial court subject to the following conditions, till the disposal of the above Criminal Revision :

(i) The sentence of imprisonment alone, imposed on the petitioner/accused, shall be suspended on condition the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned XXVI Metropolitan Magistrate, Egmore, Chennai;

(ii) 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;



(iii) 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

(iv) The petitioner/accused is directed to deposit a sum of Rs.1,00,000/- [Rupees One Lakh only], within a period of four weeks from the date of receipt of a copy of this order;

(v) 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;

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



Crl.M.P.No.39 of 2026 in Crl.RC.No.9 of 2026

6. Accordingly, this Criminal Miscellaneous Petition is

ordered.

12.01.2026

vk

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



WEB COPY



Crl.M.P.No.39 of 2026 in Crl.RC.No.9 of 2026

SUNDER MOHAN, J.

vkf

CRL MP No.39 of 2026
in
CRL RC No.9 of 2026

12.01.2026
(2/2)