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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP Nos. 3569 & 3571 of 2026

IN

CRL RC NO. 471 of 2026

S.Vatchala

..Petitioner(s) in both
Crl.MPs

Vs

P.Sundarajulu

..Respondent(s) in both
Crl.MPs

CRL MP No. 3569 of 2026

To suspend the sentence of imprisonment imposed in the judgement dated 22.04.2025 made in Crl.A.No.83 of 2021 on the file of the III Additional District and Sessions Court, Tiruvallur, confirming the conviction imposed in judgment dated 18.10.2021 passed in C.C.No.227 of 2018 by the learned Judicial Magistrate, Fast Track Court, (Magisterial Level) Ambattur, and enlarge the petitioner on bail, while pending of the Criminal Revision Petition.

CRL MP No. 3571 of 2026

To exempt the petitioner from surrender before the learned III Additional District and Sessions Court, Tiruvallur imposed in the order dated 22.04.2025 made in Crl.A.No.83 of 2021, confirming the conviction imposed in judgment dated 18.10.2021 passed in C.C.No.227 of 2018 by the learned Judicial Magistrate, Fast Track Court, (Magisterial Level) Ambattur, while pending of the Criminal Revision Petition.



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For Petitioner(s):

Mr.R.Thirumoorthy

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned III Additional District and Sessions Court, Tiruvallur, in Crl.A.No.83 of 2021 dated 22.04.2025, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo 9 months S.I and to pay compensation of Rs.10,00,000/-, I/d. to undergo 3 months S.I. 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 two cheques; one for Rs.7,00,000/- and the other for Rs.3,00,000/- towards discharge of liability; that when the said cheques were presented for collection, it were 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 judgment of the Courts below are liable to be set aside; and that, to show his bona fides, the petitioner is willing to deposit the 40% of the cheque amount i.e Rs.4,00,000/- to the credit of the C.C.No.227 of 2018 and prayed for suspension of sentence.

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 40% of the cheque amount, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the Trial Court, subject to the following conditions:

(i) The petitioner/accused shall deposit Rs.4,00,000/- to the credit of C.C.No.227 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court, (Magisterial Level) Ambattur, 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 his executing a bond a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate, Fast Track Court, (Magisterial Level) Ambattur.

(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.

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



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6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

27-02-2026
(2/2)

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

1. The III Additional District and Sessions Court, Tiruvallur
2. The Judicial Magistrate, Fast Track Court, (Magisterial Level) Ambattur



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SUNDER MOHAN, J.

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