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Crl.M.P. Nos. 24687 & 24691 of 2025

Crl.R.C. No. 2863 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL MP Nos. 24687 & 24691 of 2025

IN

CRL RC NO. 2863 OF 2025

Sanjay Jalan
S/o R.K.Jalan, No.10, Flat No.102,
Wheatcroft Road, Nungambakkam,
Chennai – 600 034.

Petitioner(s)

Vs

Sathish
S/o Babulal, No.210/212, C.B.Road,
Vidhayasagar Oswal Garden, E-108
Korukkupet, Chennai – 600 002.

Respondent(s)

Prayer in Crl.M.P. No. 24687 of 2025: Criminal Miscellaneous Petition filed under 438(1) of BNSS to suspend the sentence imposed on the petitioner in S.T.C. No. 3407 of 2022 by the learned Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai by judgment dated 27.01.2025 confirmed by the learned XVI Additional Sessions Judge, Chennai, in C.A. No. 189 of 2025 by judgment dated 09.12.2025 pending disposal of the revision.

Prayer in Crl.M.P. No. 24691 of 2025: Criminal Miscellaneous Petition filed under Section 528 of BNSS to exempt the petitioner from surrendering in pursuant to the judgment dated 09.12.2025 passed in C.A. No. 189 of 2025 by



the learned XVI Additional Sessions Judge, Chennai confirming the judgment dated 27.01.2025 passed in S.T.C. No. 3407 of 2022 by the learned Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai pending disposal of the revision.

For Petitioner :: Mr.A. Nagarajan

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 09.12.2025 passed by the learned XVI Additional Sessions Judge, City Civil Court, Chennai in C.A.No.189 of 2025 confirming the judgment dated 27.01.2025 passed by the learned Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai in S.T.C. No. 3407 of 2022 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 8 months and to pay a compensation of Rs. 7,00,000/- carrying a default sentence of simple imprisonment for a period of two months. 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 the said cheque was presented for collection, it was 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.

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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 judgments of the Courts below are liable to be set aside; and that, to show his bona fides, the petitioner is willing to deposit the amount covered under the cheque.

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 the amount covered under the cheque, 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 is ordered to be enlarged on bail, on condition that the petitioner shall deposit a sum of Rs.7,00,000/-, being the cheque amount to the credit of S.T.C. No. 3407 of 2022 on the file of the 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 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 Trial Court.

(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 that 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.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered

02-01-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

nv

To

1. The XVI Additional Sessions Judge,
Chennai.
2. The Metropolitan Magistrate,
Fast Track Court NO.IV,
George Town, Chennai.
3. Sathish
S/o Babulal, No.210/212, C.B.Road,
Vidhayasagar Oswal Garden, E-108
Korukkupet, Chennai.



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