



Crl.M.P.Nos. 443 & 444 of 2026
in
Crl.R.C. No. 62 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P. Nos. 443 & 444 of 2026

in

Crl.R.C. No. 62 of 2026

1. M/s. ASA Enterprises,
rep. by Authorised Signatories,
S. Anisha,
No.141, Velachery Main Road,
Thangam Super Market, Gowrivakkam,
Chennai – 600 073.

2. Mrs. S. Anisha,
W/o. J. Vijayakumar,
Authorised Signatories of ASA Enterprises,
No.101, Block-B, Shanthiniketan Serena,
5th Main Road, Tellus Avenue,
Raja Kilapakkam, Chennai – 73.

..Petitioners

Vs.

Mr.A.T. Jai Prakash,
S/o. Thangappan,
No.119B, Senthil Nagar,
7th Street, Seevaram, Perungudi,
Chennai – 600 096.

..Respondent



Crl.M.P.Nos. 443 & 444 of 2026
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Prayer in Crl.M.P. No. 443 of 2026: Criminal Miscellaneous Petition filed under Section 430 of BNSS to suspend the sentence imposed by judgment dated 23.10.2025 passed in Crl.A. No. 63 of 2025 by the XVIII Additional City Civil Court, Chennai confirming the judgment dated 13.12.2024 passed in S.T.C. No. 2525 of 2022 by the learned XXV Metropolitan Magistrate, Egmore, Chennai pending disposal of the criminal revision petition.

Prayer in Crl.M.P. No. 444 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS to exempt the 2nd petitioner from surrendering before the Trial Court pursuant to the judgment dated 23.10.2025 passed in Crl.A. No. 63 of 2025 by the XVIII Additional City Civil Court, Chennai confirming the judgment dated 13.12.2024 passed in S.T.C. No. 2525 of 2022 by the learned XXV Metropolitan Magistrate, Egmore, Chennai, pending disposal of the criminal revision petition.

For Petitioners :: Mr.A. Vivekanandhan



Crl.M.P.Nos. 443 & 444 of 2026
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Crl.R.C. No. 62 of 2026

closed'; that in spite of the statutory notice, the 2nd petitioner did not make the payment; and hence the petitioners are liable for the said offence.

3. The learned counsel for the petitioners would submit that the petitioners have raised substantial grounds in the above revision; that the petitioners have rebutted the statutory presumption; that the judgments of the Courts below are liable to be set aside; and that, to show their bona fides, the petitioners are willing to deposit 40% of the cheque amount.

4. Heard the learned counsel for the petitioners and perused the materials available on record.

5. Having regard to the submission made by the learned counsel for the petitioners that there are substantial grounds raised in the above revision which require consideration, and the fact that the petitioners are willing to deposit 40% of the cheque amount, this Court is inclined to grant suspension of sentence to the 2nd petitioner and exempt her from surrendering before the Trial Court, pending disposal of the criminal



Crl.M.P.Nos. 443 & 444 of 2026
in
Crl.R.C. No. 62 of 2026

revision petition, subject to the following conditions:

(i) The 2nd petitioner is ordered to be enlarged on bail, on condition that she deposits 40% of the cheque amount to the credit of S.T.C. No. 2525 of 2022 on the file of learned XXV Metropolitan Magistrate, Egmore, 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 2nd petitioner/2nd accused shall be suspended, on her executing 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 2nd petitioner and the sureties shall affix their photographs and Left Thumb Impression in



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Crl.M.P.Nos. 443 & 444 of 2026
in
Crl.R.C. No. 62 of 2026

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 2nd 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 she is not able to appear before the Trial Court on that day, she 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 her absence as directed by the Trial Court.

(vi) On the failure of the 2nd petitioner/2nd accused, depositing the above said amount, it is open to the Trial Court to commit the 2nd petitioner/2nd accused into custody for undergoing the sentence.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

Neutral Citation: Yes/No
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19.01.2026
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Crl.M.P.Nos. 443 & 444 of 2026
in
Crl.R.C. No. 62 of 2026

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- To
1. The XVIII Additional City Civil Court,
Chennai.
 2. The XXV Metropolitan Magistrate,
Egmore,
Chennai.
 3. Mr.A.T. Jai Prakash,
S/o. Thangappan,
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Crl.M.P.Nos. 443 & 444 of 2026
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Crl.R.C. No. 62 of 2026

SUNDER MOHAN,J.

nv

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in
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19.01.2026