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Crl.M.P.Nos.540 and 544 of 2026
in Crl.R.C.No.84 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2026

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.540 and 544 of 2026
in
Crl.R.C.No.84 of 2026

L.Darwin @ Sahaya Darvin

...Petitioner

-VS-

P.Rajesh

...Respondent

PRAYER in Crl.M.P.No.540 of 2026: Criminal Miscellaneous Petition filed under Section 438 (1) of BNSS, to suspend the sentence of the petitioner in Crl.Appeal No.505 of 2024 on the file of Principal Sessions Judge, Chennai, dated 25.10.2025 and confirming the sentence imposed by the Trial Court in STC.No.7621 of 2022 dated 01.07.2024 on the file of the XXV Metropolitan Magistrate, Egmore, Chennai pending disposal of the above Criminal Revision.



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For Petitioner : Mr.S.Vijayakumar

ORDER

Also to exempt him from
surrendering before the trial Court, pending disposal of the Criminal
Revision Case.

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 'Funds
Insufficient'; that in spite of the statutory notice, the petitioner did not make



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the payment; and hence liable for the said offence.

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3.

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 suspend the sentence imposed on the petitioner and exempted him from surrendering before the trial Court, subject to the following conditions:

(i) The petitioner/Accused shall deposit 40% of the cheque amount to the credit of S.T.C.No.7621 of 2022 on the file of learned XXV Metropolitan Magistrate, Egmore, Chennai, within a period of six weeks from the date of receipt



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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 him executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned XXV Metropolitan Magistrate, Egmore, Chennai,;

(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 she is not able to appear before the Trial Court on any 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 his



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absence, as directed by the Trial Court; and

Mac

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SUNDER MOHAN, J.

Mac

To

1. The Principal Sessions Court, Chennai,
2. The XXV Metropolitan Magistrate, Egmore, Chennai

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