



WEB COPY



Crl.M.P.Nos.4582 and 4579 of 2026
in Crl.R.C.No.603 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2026

CORAM

THE HONOURABLE MR JUSTICE C.KUMARAPPAN

Crl.M.P.Nos.4582 and 4579 of 2026
in
Crl.R.C.No.603 of 2026

1.K.Pichandi
2.Sree Venkateswara Traders,
Represented by its Proprietor K.Pitchandi,
Block -1, Door No.686, Valayapathi Salai,
Muggappiar West, Chennai – 600 037.

Petitioner in both cases

-VS-

G.Ilango

...Respondent in both cases

PRAYER in Crl.M.P.Nos.4582 of 2026: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, to suspend the sentence imposed upon the petitioner in C.C.No.211 of 2019 on the file of the Judicial Magistrate Fast Track Court, Ambattur by judgement dated 08.03.2022 and confirming the judgement dated 14.10.2025 made in C.A.No.36 of 2022 on the file of II Additional District and Sessions Judge, Poonamallee.

PRAYER in Crl.M.P.No.3665 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt from the petitioner to surrender



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before the Appellant Court on the judgement dated 14.10.2025 made in C.A.No.36 of 2025 on the file of the Hon'ble II Additional District and Sessions Court, Poonamallee, Tiruvallur District by confirming the judgement made in C.C.No.211 of 2019 dated 08.03.2022 on the file of the Judicial Magistrate, Fast Track Court, Ambattur.

For Petitioner : Mr.R.Nandakumar

For Respondent : Mr.R.Sampath Kumar

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 08.03.2022 passed by the learned II Additional District and Sessions Judge, Poonamallee. in C.A.No.36 of 2022, 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 one year S.I. and to pay compensation of Rs.20,00,00/-, to undergo further Simple Imprisonment for three 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.10,00,000/- towards discharge of liability; that when the said



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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.

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 50% of the cheque amount.

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 50% 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:



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(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit 50% of the cheque amount to the credit of C.C.No.211 of 2019 on the file of the learned Judicial Magistrate (Fast Track Court), Ambattur within a period of four weeks from the date of receipt of copy of the 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;



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(v) The petitioner shall appear before the Trial Court on the first working day of a 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.

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C.KUMARAPPAN, J.

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To

- 1.The Additional District and Sessions Judge, Poonamallee.
2. The Judicial Magistrate Fast Track Court, Ambattur

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