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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CRL MP Nos.4431 & 4433 of 2026

in

CRL RC No. 584 of 2026

1. K.Pichandi

2. M/S.Sree Venkateswara Tranders,
Represented by its Proprietor K.Pichandi
Block-1, Door No.686, Valayapathi Salai,
Mugappiar west, Chennai 600 037.

Petitioner(s)

Vs

G.Ilango

Respondent(s)

PRAYER in CRL MP No. 4431 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS Act, to exempt the petitioner to surrender before the Appellant Court on the Judgement dated 14.10.2025 made in C.A.No.37 of 2022 on the file of the II Additional District and Session Court, Poonamallee, Tiruvallur District, by confirming the Judgment made in C.C.No.210 of 2019 dated 08.03.2022 on the file of Judicial Magistrate Fast Track Court, Ambattur.

PRAYER in CRL MP No. 4433 of 2026: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS Act, to suspend the imprisonment imposed in C.C.No.210 of 2019 on the file of Judicial Magistrate Fast Track Court, Ambattur by Judgment dated 08.03.2022 and confirming the Judgment dated 14.10.2025 made in C.A.No.37 of 2022 on the file of II Additional District and Session Judge, Poonamallee.

For Petitioner(s): Mr.R.Nandakumar



ORDER

The petitioners have preferred the above revision challenging the judgment passed by the learned II Additional District and Sessions Judge in C.A.No.37 of 2022 dated 14.10.2025, confirming the judgment of the learned Magistrate convicting the first petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo simple imprisonment for a period of 11 months and to pay double the cheque amount of Rs.62,00,000/- to the respondent as compensation, in default to undergo further simple imprisonment for a period of three months. The instant petitions have been filed to suspend the sentence imposed on the first petitioner and to exempt the first petitioner from surrendering before the Trial Court, pending disposal of the above revision.

2. It is the case of the respondent that the first petitioner had issued a cheque for a sum of Rs.31,00,000/- 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 first petitioner did not make the payment; and hence liable for the said offence.

3. The learned counsel for the petitioners would submit that the first petitioner has raised substantial grounds in the above revision; that the first



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 first petitioner is ready and willing to deposit a sum of Rs.12,00,000/- to the credit of C.C.No.210 of 2019.

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 first petitioner has paid a sum of Rs.12,40,000/- and now he is ready and willing to deposit a sum of Rs.12,00,000/- to the credit of C.C.No.210 of 2019, this Court is inclined to grant suspension of sentence and exempt the first petitioner from surrendering before the Trial Court, subject to the following conditions:

(i) The first petitioner is ordered to be enlarged on bail, on condition that the first petitioner shall deposit a sum of Rs.12,00,000/- of the cheque amount to the credit of C.C.No.210 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 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 first 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 first 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 first 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 first petitioner/accused, depositing the above said amount, it is open to the Trial



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Court to commit the petitioner/accused into custody for undergoing the sentence.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

09-03-2026

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Judicial Magistrate, Fast Track Court,
Ambattur.

2. II Additional District and Sessions Judge,
Poonamallee, Tiruvallur District.

3. The Public Prosecutor,
Madras High Court, Chennai.



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