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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP Nos. 5580 & 5581 of 2026

IN CRL RC No. 731 OF 2026

1. M/s. R.D. Construction,
Rep. by its Prop. S.Srinivasan,
No.15/5, Bharathi Street,
Choolaimedu, Chennai - 600 094.
2. S.Srinivasan
Prop. M/s.R.D.Construction,
Son of Seetharaman,
No.15/5, Bharathi Street,
Choolaimedu, Chennai - 600 094.

..Petitioners in both
Crl.M.Ps.

Vs

D.Balaji

..Respondent in both
Crl.M.Ps

PRAYER in Crl.M.P.No.5580 of 2026: Criminal Miscellaneous Petition filed under Section 397(1) r/w 389(1) of Criminal Procedure Code, to suspend the execution of the sentence in C.C.No.3928/2021 on the file of learned Metropolitan Magistrate, Fast Track Court -III, Saidapet, Chennai and confirming the Judgment dated 26.11.2025 passed in Crl.A.No.28/2025 by the XVII Additional City Civil Court, Chennai and pending disposal of the above Criminal Revision Case.

PRAYER in Crl.M.P.No.5581 of 2026: Criminal Miscellaneous Petition filed under Section 482 of Criminal Procedure Code, to grant exemption from surrender before the XVII Additional City Civil Court, Chennai sentence imposed on the petitioners in Crl.A.No.28 of 2025 by judgment dated



26.11.2025.

For Petitioners:

Mr.V. Saravana Rengan

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ORDER

The petitioners have preferred the above revision challenging the judgment dated 26.11.2025 passed by the learned XVII Additional City Civil Court, Chennai in Crl.A.No.28/2025, confirming the judgment of the learned Magistrate convicting the petitioners for the offence under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo four months Simple Imprisonment and to pay compensation of Rs.7,00,000/-, and in default to undergo Simple Imprisonment for a period of one month. The instant petitions have been filed to suspend the sentence imposed on the petitioners and to exempt the petitioners from surrendering before the Trial Court, pending disposal of the above revision.

2. It is the case of the respondent that the petitioners 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 petitioners did not make the payment and hence 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 judgment of the Courts below are liable to be set aside and that, to show his bona fides, the petitioners are willing to deposit 50% 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 50% of the cheque amount, this Court is inclined to grant suspension of sentence and exempt the petitioners from surrendering before the Trial Court, subject to the following conditions:

(i) The petitioners are ordered to be enlarged on bail, on condition that the petitioners shall deposit 50% of the cheque amount to the credit of C.C.No.3928/2021 on the file of the learned Metropolitan Magistrate, Fast Track Court -III, Saidapet, Chennai within a period of six 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 petitioners/accused shall be suspended, on their executing a bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the Trial Court.

(iv) The petitioners 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 petitioners 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 they are not able to appear before the Trial Court on that day, they 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 their absence as directed by the Trial Court.

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



6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The Metropolitan Magistrate, Fast Track Court -III, Saidapet, Chennai.
2. The XVII Additional City Civil Court, Chennai.



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CRL MP Nos. 5580 & 5581 of 2



C.KUMARAPPAN, J.

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IN
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