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Crl.M.P.No.793 of 2026
in Crl.R.C.No.131 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2026

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.No.793 of 2026
in
Crl.R.C.No.131 of 2026

Mrs.A.Susila Ammal

...Petitioner

-VS-

Vinary Jain,
Proprietor of M/s.S.M.N.Corporation,
Old No.103, New No.211, Mint Street,
Sowcarpet, Chennai – 600 079.

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 430(2) of BNSS, praying to suspend the order of sentence dated 28.11.2025 made in Crl.A.No.832 of 2024 passed by the III Additional Sessions Court, Chennai, confirming the order of conviction dated 18.10.2024 made in S.T.C.No.3858 of 2022 passed by the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai.

For Petitioner : Mr.S.Sathish Rajan



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ORDER

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The petitioner has preferred the above revision challenging the judgment passed by the III Additional Sessions Court, Chennai, in Crl.A.No.832 of 2024 dated 28.11.2025, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, and sentenced her to undergo nine months Simple Imprisonment and to pay a compensation of Rs.3,09,49,975/- along with interest 3% per annum, in default, to undergo further Simple Imprisonment for three months. The instant petition has been filed to suspend the sentence imposed on the petitioner.

2. It is the case of the respondent that the petitioner had issued three cheques, totalling a sum of Rs.3,09,49,975/-, towards discharge of liability; that when the said cheque were presented for collection, they were 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 had only obtained a loan for a sum of Rs.1,40,00,000/- and had executed a mortgage deed dated 29.03.2014 and a supplementary mortgage



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deed dated 16.04.2014, evidencing receipt of a sum of Rs.1,40,00,000/- as a loan. The respondent has misused three cheques which were given as security for a total amount of Rs.3,09,49,975/-, claiming exorbitant interest to which she is not entitled to; that the petitioner has deposited a total sum of Rs.38,82,435/-, and that, to show her *bona fides*, the petitioner is willing to deposit a sum of Rs.1 crore to the credit of S.T.C.No.3858 of 2022 and that the petitioner has raised substantial grounds in the above revision which require consideration. The petitioner has also filed an affidavit undertaking to settle the entire outstanding principal amount of ₹1,40,00,000/-, together with reasonable interest, after adjusting the amount already credited to the respondent.

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 Rs.1 crore, this Court is inclined to suspend the sentence imposed on the petitioner, subject to the following conditions:



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(i) The petitioner/Accused shall deposit a sum of Rs.1,00,00,000/- (Rupees One Crore only) to the credit of S.T.C.No.3858 of 2022 on the file of the learned Metropolitan Magistrate, Fast Track Court -IV, George Town, 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 petitioner/Accused shall be suspended, on his executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Metropolitan Magistrate, Fast Track Court -IV, George Town, 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;



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(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 her absence, as directed by the Trial Court; and

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

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

27.01.2026
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To

- 1.The III Additional Sessions Court, Chennai.
- 2.The Metropolitan Magistrate,
Fast Track Court -IV, George Town, Chennai.



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SUNDER MOHAN, J.

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