



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 9912 of 2026

IN

CRL RC NO. 1220 OF 2026

T.Nagarajan
S/o. Thiruvengadam,
281/5, KMK Nagar,
Devaraj Apartment,
Kumalankuttai,
Erode-641 011.

..Petitioner(s)

Vs

R.Vinoth Meganathan
S/o. Rakiannan,
D.No.106-A, Pannaikadu,
Chithode, Erode.
Rep. by his Manager and Power of Attorney
Holder,
K. Jegadeswaran,
S/o. S.S. Krishnasamy

..Respondent(s)

CRL MP No. 9912 of 2026

To suspend the sentence confirmed by the Impugned order dated 25-2-2026 of the II Additional District and Sessions Judge, Erode in Criminal Appeal No.255 of 2022 dismissing the criminal appeal and consequentially confirming the Judgment dated 10-11-2022 of the Fast Track Court No.I at Magisterial Level, Erode in STC No.466 of 2019 under Section 138 r/w 142 of the Negotiable Instruments Act, sentencing the Petitioner to undergo three months simple imprisonment and to pay Rs.5,00,000 as compensation within three months or in default to undergo further one month simple imprisonment , pending disposal of the main criminal revision petition and pass such further or



other order or orders as this Honorable Court.

WEB COPY

For Petitioner(s): M.Venkadesh Kumar

For Respondent(s): Mr.S.Arun Prasad

ORDER

1.This Criminal Miscellaneous Petition has been filed, by the Revision Petitioner, praying to suspend the sentence, imposed on the Revision petitioner, in CrI.A.255 of 2022, dated 25.02.2026, by the II Addl. District and Sessions Judge, Erode, confirming the Judgement of conviction and sentence and order dated 10.11.2022 made in STC.No.466 of 2019 by the Fast Track court No.1 at Magisterial Level, Erode till the disposal of the instant Criminal Revision Petition.

2.By the impugned judgement of conviction and sentence and order of the Trial Court, the Revision petitioner was convicted and sentenced for the offences as follows:

Accused	Conviction	Sentence
petitioner	U/s.138 of Negotiable Instruments Act	To undergo three months Simple Imprisonment and to pay Rs.5,00,000/- to the complainant as compensation, in default, to undergo further one month Simple Imprisonment.

3.Challenging the above said judgement of conviction and sentence and order, the Revision petitioner have filed the above CrI.RC.No.1220 of 2026, along



with the instant Criminal Miscellaneous Petitions, seeking suspension of sentence and bail pending disposal of the Criminal Revision.

4.This Court heard Mr.Venkadesh Kumar, the learned counsel for the Revision petitioner and Mr.S.Arun Prasad, learned counsel appearing for the Respondent and considered their submissions and also perused materials placed before this Court.

5.The learned counsel for the Revision petitioner has submitted that a complaint was lodged by the respondent alleging that the petitioner borrowed a sum of Rs.5 lakhs from the respondent and to discharge the liability, he issued a post dated cheque bearing No.516120 and when the cheque was presented for encashment, the same was returned as funds insufficient. Subsequently statutory notice was issued and since the cheque amount was not paid, a complaint was filed against the revision petitioner. The courts below have failed to consider that the respondent failed to examine himself as a witness before the trial court. PW1 is only the Power of Attorney Agent and Manager and the non-examination of the principal/complainant himself is a fatal lacuna in the case of the complaint. In the light of the above infirmities and discrepancies in the evidence of the prosecution witnesses, both the Courts below have failed to consider that the prosecution has not proved its case beyond reasonable doubt. It was further argued that the judgment passed by both the Courts below was based on surmises and conjectures without considering the entire evidence on record.



6. It is further argued that due to pendency of the criminal cases before this High Court, there is a blinking chance that in the near future, this Criminal Revision Case will be finally heard and decided. It is further submitted that there are arguable points in this Criminal Revision Case and the Revision petitioner has a fair chance of success in this Criminal Revision Case. Thus, the learned counsel for the Revision petitioner has prayed for suspension of sentence and bail, till the disposal of this Criminal Revision Petition.

7. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision petitioner have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused has also been touched upon at length. It has been assured on behalf of the Revision petitioner that he is ready to cooperate with the process of law and shall faithfully make himself available before the Court, whenever required and is also ready to accept all the conditions, which the Court may deem fit to impose upon him. The Revision petitioner undertake that in case they are released on bail, they will not misuse the liberty of bail and will cooperate in disposal of Revision.

8. The learned counsel for the Respondent has opposed the argument advanced by the learned counsel for the Revision petitioner and submits that the judgements passed by the Courts below are as per the law, after considering the entire evidence and thus, the relief sought by the Revision petitioner, at this stage, be refused by this Court.



9. Considering the arguments advanced by the learned counsel for the Revision petitioner as well as the learned counsel for the Respondent, this Court is of the view that the Trial Court has failed to appreciate the evidence on record and the judgment was passed without considering the entire materials placed before it and during the Trial the Revision petitioner was also on bail.

10. Further, it is observed that when the accused have been under incarceration for sometime and when there are points in the Revision, which favour the accused, then the Courts should not shy from granting suspension of sentence, as the liberty of the individual would be at stake, if the revision results in acquittal at a later point of time. In this regard, the decision of the Hon'ble Supreme Court of India, in the case of ***Rabi Prakash Vs. The State of Odhisha reported in 2023 Live Law (SC) 533*** is of relevance.

11. The Revision petitioner have raised substantial grounds in the Revision, which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the Revision petitioner are entitled to the relief of suspension of sentence and bail.

12. Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to Revision Petitioner, namely, T.Nagarajan, Son of Thiruvengadam on the following conditions:-

- i. The Revision Petitioner shall surrender before the Fast Track Court No.I at Magisterial Level, Erode, within three weeks from the date of receipt of



WEB COPY

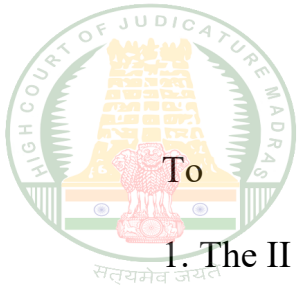
a copy of this order and on such surrender, the Revision Petitioner No.2 is ordered to be released on bail, on his executing a personal bond, along with two sureties for a sum of **Rs.15,000/-** (Rupees fifteen thousand only) each, subject to furnishing undertaking that they will co-operate in the hearing of the present Revision.

- ii. The Revision Petitioner and sureties shall affix their Photographs and Left Thumb Impression in the bond and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity.
- iii. The realization of fine amount, if any, shall also remain suspended during the pendency of the present Revision.
- iv. The Petitioner shall appear before the Fast track Court No.I, Magisterial Level, Erode once in every month, ie., on 5th day of every month commencing from the month of August 2026 at 10.30 a.m., until further orders.
- v. On acceptance of his bail bond and sureties, the Trial Court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.

13. With the above directions, this Criminal Miscellaneous Petition is ordered.

30.06.2026
2/3

Index: Yes/No
Web: Yes/No
Speaking/Non Speaking
Neutral Citation
msr



To

1. The II Additional District and Sessions Judge, Erode

2. The Fast Track Court No.I at Magisterial Level, Erode

WEB COPY



WEB COPY

CRL MP No. 9912 of 2



SHAMIM AHMED J.

MSR

**CRL MP No. 9912 of 2026
IN
CRL RC NO. 1220 OF 2026**

30-06-2026