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CRL MP No. 8141 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

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THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 8141 of 2026

IN

CRL RC NO. 1015 OF 2026

M.Siva Sankar
Son of Muni Reddy,
2/9, Yaragondapalayam Village,
Devaganapalli Post,
Denkanikotta Taluk,
Krishnagiri District.

..Petitioner(s)

Vs

S.Venugopal
Son of Sidda Reddy,
Bommandapalli Village,
Kotha Kondapalli Post,
Hosur Taluk,
Krishnagiri District.

..Respondent(s)

Prayer: To suspend the sentence imposed in Crl.A.No.05/2025 on the file of the Additional District Judge, Hosur dated 24.02.2026 in confirming the judgment passed in STC.No.1028 of 2019 on the file of the District Munsif Cum Judicial Magistrate, Denkanikottai dated 28.10.2024 pending disposal of the present revision and pass such further or other orders as this Hon'ble Court deems fit and proper on the facts and circumstances of this case and thereby render justice.

For Petitioner(s):

Mr. K.S. Gowthaman For M/S.S.C.Vishwanth

For Respondent(s):

Mr. M. Manikanda Prabhu For
Mr. N.Manoharan



ORDER

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This Criminal Miscellaneous Petition has been filed by the Revision Petitioner, praying to suspend the sentence imposed on him in the CrI.A.No.05/2025, dated 24.02.2026 by the Additional District Judge, Hosur, confirming the judgment of conviction, sentence, and order passed by the District Munsif Cum Judicial Magistrate, Denkanikottai dated 28.10.2024 in STC.No.1028 of 2019, pending disposal of the instant Criminal Revision Petition.

2.By the impugned judgment of conviction, sentence, and order of the Trial Court, which was subsequently confirmed by the Lower Appellate Court, the Revision Petitioner was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act. The petitioner was sentenced to undergo simple imprisonment for a period of 6 months and directed to pay compensation matching the default terms and total cheque liability i.e., Rs. 4,25,000/-. It is submitted that during the trial and the subsequent appeal, the petitioner's sentence stood suspended, and the petitioner is currently not in jail.

3.Challenging the above said judgment of conviction, sentence, and order, the Revision Petitioner has filed the above Criminal Revision Petition along with the instant Criminal Miscellaneous Petition, seeking suspension of



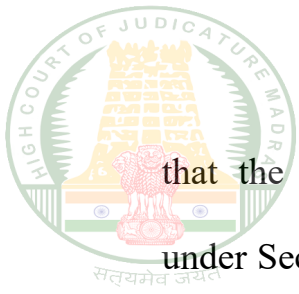
sentence and bail pending disposal of the Criminal Revision.

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4.Learned counsel for the petitioner thereafter submits that in compliance with the order passed by this Court dated 23.06.2026, a sum of Rs. 1,27,500/- (Rupees One Lakh Twenty-Seven Thousand Five Hundred), representing 30% of the total cheque amount, has been deposited before the learned Trial Court by the petitioner showing his bona fide. He further submits that a sum of Rs. 85,000/- (Rupees Eighty-Five Thousand), representing 20% of the cheque amount, had already been deposited previously. In this regard, he has produced the relevant deposit receipts before this Court, which are taken on record. He submits that a total sum of Rs. 2,12,500/- (Rupees Two Lakhs Twelve Thousand Five Hundred) now stands successfully deposited before the learned Trial Court, thereby completely satisfying the condition imposed by this Court. He further submits that since the orders of this Court have been duly complied with, the petitioner's application for suspension of sentence may be favorably considered by this Court.

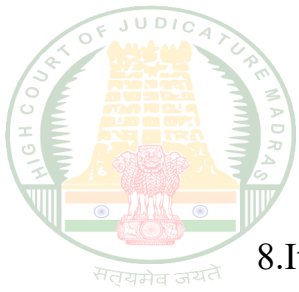
5.This Court heard the learned counsel for the Revision Petitioner, considered his submissions, and also perused the materials placed before this Court.

6.The brief facts leading to the filing of the present revision petition are



that the respondent/complainant initiated proceedings against the petitioner under Section 138 of the Negotiable Instruments Act alleging the existence of a legally enforceable liability and dishonour of the cheque issued by the petitioner. According to the complainant, the cheque in question was issued towards discharge of a liability arising out of financial transactions and, upon dishonour of the cheque, proceedings under Section 138 of the Negotiable Instruments Act were initiated. After considering the oral and documentary evidence adduced by both parties, the learned Trial Court convicted the petitioner, and the said conviction was subsequently confirmed by the learned Appellate Court.

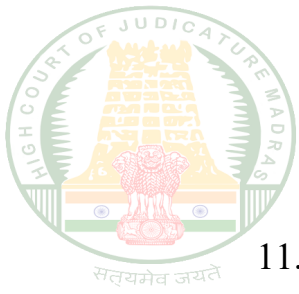
7. Before this Court, the learned counsel for the Revision Petitioner contended that the courts below failed to properly appreciate the defense evidence and ignored the actual, complex nature of the financial transactions between the parties. It was submitted that the complainant failed to establish the existence of a legally enforceable debt and that the defense documents and financial records brought out in cross-examination were not properly evaluated. The learned counsel further contended that the statutory presumption under Section 139 of the Negotiable Instruments Act was wrongly applied by the courts below and that the petitioner has raised a strong defense on the preponderance of probabilities. Therefore, it was argued that the conviction confirmed by the Appellate Court warrants interference.



8.It is further argued that due to the pendency of 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.

9.It has been assured on behalf of the Revision Petitioner that he is fully ready to cooperate with the process of law, shall faithfully make himself available before the Court whenever required, and is willing to accept any reasonable conditions that this Court may deem fit to impose. The Revision Petitioner further gives an explicit undertaking that in the event he is released on bail, he will not misuse his liberty and will cooperate in the swift disposal of the main Revision.

10.The learned counsel for the Respondent has opposed the arguments advanced by the learned counsel for the Revision Petitioner and submits that the judgments passed by the Courts below are as per the law, after considering the entire evidence on record, and thus, the relief sought by the Revision Petitioner, at this stage, be refused by this Court.



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11. Considering the arguments advanced by the learned counsel for the Revision Petitioner, this Court is of the view that the lower appellate court failed to properly appreciate the material evidence brought on record through cross-examination and the defense contentions. While the initial statutory presumption under the Negotiable Instruments Act applies, the accused is legally entitled to discharge his burden of proof on the basis of materials already on record. The petitioner's significant deposit of Rs. 2,12,500/- before the Trial Court demonstrates his continuous bona fides and leaves a substantial triable issue to be detailed at final hearing as to whether the instrument was backed by a legally enforceable debt.

12. Further, it is observed that when an accused is under the imminent threat of incarceration and when there are vital, arguable points raised in the Revision which prima facie favor the defense, the Courts should not shy away from granting a suspension of sentence. The personal liberty of an individual would be irreversibly compromised if the revision eventually results in an acquittal at a later point in time after he has already undergone the sentence. In this regard, the principle laid down by the Hon'ble Supreme Court of India in the case of *Rabi Prakash Vs. The State of Odisha reported in 2023 Live Law (SC) 533* is highly relevant and applicable.



13. The Revision Petitioner has raised substantial legal and factual grounds in the Revision, particularly concerning the misapplication of Section 139 of the NI Act and the rejection of vital accounting details, all of which require a detailed and microscopic appraisal during the final hearing. Furthermore, the main Revision is not likely to be taken up for final disposal in the near future. In such a view of the matter, and especially taking note of the comprehensive 50% deposit compliance made by the petitioner, this Court is of the firm opinion that the Revision Petitioner is fully entitled to the interim relief of suspension of sentence and bail.

14. Accordingly, pending disposal of the main Criminal Revision Case, the relief of suspension of sentence and bail is granted to the Revision Petitioner on the following conditions:-

- i. The Revision Petitioner shall surrender before the Learned District Munsif cum Judicial Magistrate, Denkanikotta, within a period of three weeks from the date of receipt of a copy of this order. On such surrender, the Revision Petitioner shall be released on bail upon executing a personal bond for a sum of ₹15,000/- (Rupees Fifteen Thousand Only) with two sureties each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate, Denkanikotta, subject to furnishing a written undertaking that he will fully cooperate in the hearing of the main Revision Case.



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ii. The Revision Petitioner and his respective sureties shall mandatorily affix their latest Photographs and Left Thumb Impressions (LTI) in the bail bonds, and the court below may obtain a copy of their Aadhaar Cards or Bank Passbooks to formally establish and ensure their identity.

iii. The realization of the fine amount or compensation, if any, imposed on the Revision Petitioner shall remain stayed and suspended during the pendency of the present Revision.

iv. The Revision Petitioner shall appear before the Learned District Munsif cum Judicial Magistrate, Denkanikotta, once in every month, i.e., on the 3rd day of every calendar month commencing from the month of August 2026 at 10:30 a.m., until further orders of this Court.

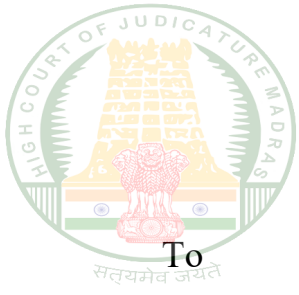
v. Upon formal acceptance of the bail bonds and sureties, the Trial Court shall immediately transmit legible photostat copies thereof to the Registry of this Court to be kept on the formal records of this Revision.

14. With the above directions, this Criminal Miscellaneous Petition stands ordered and allowed.

13-07-2026

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

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To

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- 1.The Additional District Judge, Hosur.
- 2.The District Munsif Cum Judicial Magistrate, Denkanikottai.
- 3.The Public Prosecutor, Madras High Court.



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SHAMIM AHMED, J.

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