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CRL MP No. 10969 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

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THE HON'BLE MR.JUSTICE SHAMIM AHMED

**CRL MP No. 10969 of 2026
in CRL RC No. 1302 of 2026**

Kalaiarasi
W/o. Rajendiran

..Petitioner

Vs

D.Raja
S/o. Dhanasekaran

..Respondent

Prayer: To suspend the sentence enlarge the petitioner on bail in connection with Crl.A.No.89 of 2024 dated 18.02.2026 passed by the learned Additional District and Sessions Judge, Attur, Salem District, which confirmed the Judgment in STC.No.95 of 2021 dated 27.03.2024 passed by the learned Judicial Magistrate FTC, Attur on the file of the Criminal Revision Petition.

For Petitioner(s): Mr. C.Vigneshwaran

For Respondent(s): Mr. M.R.Vivekananthan

ORDER

This Criminal Miscellaneous Petition has been filed by the Revision Petitioner, praying To suspend the sentence enlarge the petitioner on bail in connection with Crl.A.No.89 of 2024 dated 18.02.2026 passed by the learned Additional District and Sessions Judge, Attur, Salem District, which confirmed the Judgment in STC.No.95 of 2021 dated 27.03.2024 passed by the learned



Judicial Magistrate FTC, Attur.

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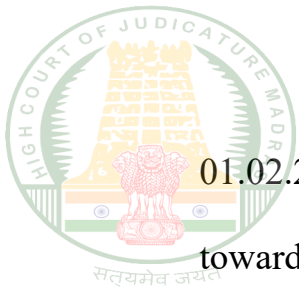
2. By the impugned judgement of conviction and sentence and order of the Trial Court, the Revision Petitioner was convicted and sentenced for the offence as follows:

Petitioner	Conviction	Sentence
Sole Accused	U/s.138 of Negotiable Instruments Act.	To undergo simple imprisonment for a period of six months and to pay the compensation of Rs.2,00,000/- to the complainant, in default, to undergo three months Simple Imprisonment.

3. Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has filed the above Crl.RC.No.1302 of 2026, along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail pending disposal of the Criminal Revision.

4. This Court heard Mr. C.Vigneshwaran, learned counsel for the Revision Petitioner and Mr.N.R.Vevekananthan, learned counsel for the respondent and considered the submissions and also perused materials placed before this Court.

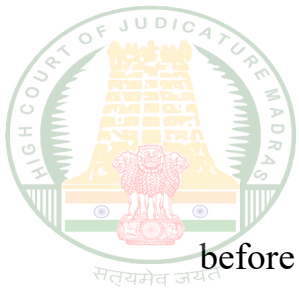
5. The learned counsel for the Revision Petitioner has submitted that the petitioner is alleged to have issued a cheque bearing No.237942, dated



01.02.2021 for a sum of Rs.2,00,000/- in favour of the respondent and towards discharging liability in respect of an agreement dated 03.03.2021

entered into between them. When the same was presented before the Bank on 05.03.2021 for encashment, it was returned with an endorsement 'Fund Insufficient'. After issuance of statutory notice, since the petitioner has not repaid the cheque amount, a complaint was filed against the revision petitioner under section 138 of the Negotiable Instruments Act. The Appellate Court ought to have acquitted the petitioner on the ground that the complainant has not proved his case beyond reasonable doubt that there is a legally enforceable debt involved in this case. The trial Court has failed to consider the case of the appellant that the loan was received by the accused for urgent requirement and she had paid the entire loan amount with interest to the complainant. Therefore, the judgment rendered by the learned Sessions Judge is liable to be set aside.

6. It was further argued that the learned Trial Court as well as appellate Court also failed to notice the discrepancies in the deposition of witnesses and the crystal part of the evidences was not at all assessed by both the Courts below. 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.



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7. 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 the petitioner is now confined in jail and 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.

8. 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 have also been touched upon at length. It has been assured on behalf of the Revision Petitioner that she is ready to cooperate with the process of law and shall faithfully make herself 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 undertakes that in case she is released on bail, she will not misuse the liberty of bail and will cooperate in disposal of Revision.

9. Considering the arguments advanced by the learned counsel for the Revision Petitioner, this Court is of the view that the Trial Court has failed

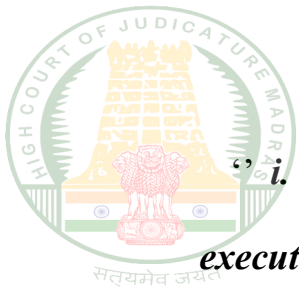


to appreciate the evidence on record and the judgment was passed without considering the entire materials place before it and during the Trial the Revision Petitioner was also on bail **and now the petitioner is in jail.**

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 has raised substantial grounds in the Revision, which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future and the petitioner has been now confined in prison. In such view of the matter, this Court is of the view that the Revision Petitioner is 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, **Kalaiarasi, W/o.Rajendiran** on the following conditions:-



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i. The Revision Petitioner is ordered to be released on bail, on her executing a bond before the learned Judicial Magistrate, Attur along with two sureties for a sum of Rs.15,000/- each, subject to furnishing undertaking that she 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 Judicial Magistrate, Attur, on first working day of every month, commencing from the month of August 2026 at 10.30 a.m., until further orders.

v. On acceptance of her bail bonds 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.

10-07-2026

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Note to office: Issue order copy on 13.07.2026



To

1. The Additional District and Sessions Judge,
Athur, Salem District.

2. The Judicial Magistrate, Attur.

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SHAMIM AHMED, J.

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