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CRL MP No. 12877 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-07-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 12877 of 2026

IN

CRL RC NO. 1486 OF 2026

M. Balamurugan
S/o.Meenakshisundram,
No.9 A/12(94), Patcharisikkara Street,
3rd Lane, Madurai - 625001.

..Petitioner(s)

Vs

A.Kiruthika
D/o.T.Arumugam,
Represented through Power Agent,
Dhanush Kodi Pandian,
No.9/26-A Subrabath Street,
TNGO Colony 4th Street,
Nanganallur,
Chennai - 600061.

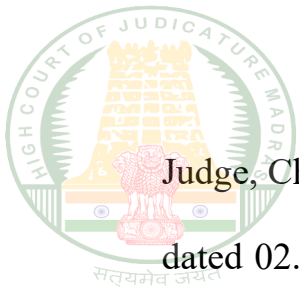
..Respondent(s)

Prayer: To suspend sentence of simple imprisonment for six months imposed in C.C.No.133 of 2020 dated 02.01.2024 on the file of the Fast Track Court (Magisterial Level), Alandur, pending disposal of the Criminal Revision Petition and thus render justice.

For Petitioner(s): M/s.V.Chinnasami

ORDER

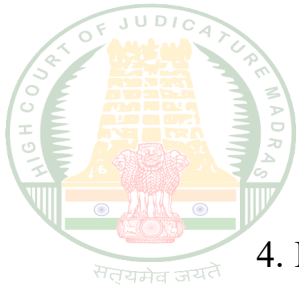
This Criminal Miscellaneous Petition has been filed by the Revision Petitioner, praying to suspend the sentence imposed on him in Criminal Appeal No.18 of 2024 dated 16.04.2026 by the learned Additional District and Sessions



Judge, Chengalpattu, confirming the judgment of conviction, sentence and order dated 02.01.2024 made in C.C.No.133 of 2020 by the Judicial Magistrate, Fast Track Court (Magisterial Level), Alandur, 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 six months and was further directed to pay a fine of ₹17,50,000/-. It was further ordered that the fine amount shall be paid to the complainant as compensation under Section 357 Cr.P.C. within one month, failing which the petitioner shall undergo a further period of simple imprisonment for two months. It is submitted that during the pendency of the criminal appeal, the petitioner had initially been granted suspension of sentence by the Trial Court. However, the Appellate Court declined to continue the suspension of sentence. 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.

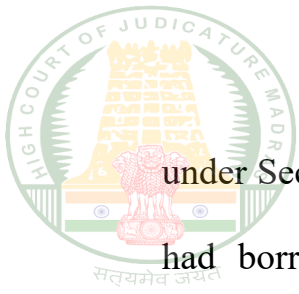


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4. Learned counsel for the petitioner submits that, during the pendency of the criminal appeal, the petitioner had deposited a sum of ₹4,00,000/- to the account of the respondent/complainant and a memo along with the relevant deposit slips has been filed before this Court, which forms part of the records. It is further submitted that, by order dated 12.08.2025 passed by this Court in the proceedings arising out of the petitioner's challenge to the refusal of suspension of sentence, the petitioner was directed to deposit 20% of the remaining compensation amount. In compliance with the said order, the petitioner has deposited a further sum of ₹3,50,000/- before the Trial Court. Thus, the petitioner has, as on date, paid a total sum of ₹7,50,000/- towards the compensation amount and has produced the deposit receipts before this Court. Learned counsel therefore submits that the petitioner has substantially complied with the directions of this Court and has demonstrated his bona fides. Hence, the petitioner prays that the sentence imposed upon him may be suspended pending disposal of the Criminal Revision Petition.

5. This Court heard Mr.V.Chinnasamy, learned counsel for the Revision Petitioner, and perused the materials available on record.

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 that the petitioner had borrowed a sum of ₹15,00,000/- from the complainant and, towards discharge of the said liability, issued the cheque in question. Upon presentation, the cheque was dishonoured for insufficiency of funds. Statutory notice having been issued and the amount remaining unpaid, the respondent instituted the complaint under Section 138 of the Negotiable Instruments Act. After appreciating the oral and documentary evidence adduced on either side, the learned Trial Court convicted the petitioner and sentenced him as stated above. The said conviction and sentence were subsequently confirmed by the learned Additional District and Sessions Judge, Chengalpattu, in Criminal Appeal No.18 of 2024.

7. Before this Court, the learned counsel for the Revision Petitioner contended that the learned Appellate Court mechanically confirmed the judgment of the Trial Court without independently re-appreciating the evidence on record. It is submitted that the complainant failed to establish the existence of a legally enforceable debt of ₹15,00,000/- as required under law. According to the petitioner, only the transfer of ₹10,00,000/- through banking channels has been established, whereas the alleged payment of ₹5,00,000/- in cash has not been supported by any documentary evidence, proof of withdrawal, or independent witness. It is further submitted that the complainant failed to establish her financial capacity to advance the alleged loan amount. Learned



counsel also contended that Ex.P3-promissory note and Ex.P4-acknowledgment were not proved in accordance with law, that neither the attesting witnesses nor the scribe had been examined, and that the entire prosecution case rested upon the evidence of the Power Agent, who admittedly had no personal knowledge of the transaction. It is further contended that the statutory presumptions under Sections 118 and 139 of the Negotiable Instruments Act were mechanically invoked without the complainant first establishing the foundational facts and that the consistent defence of the petitioner that the cheque was issued only as a security was not properly appreciated by the Courts below. Therefore, it is submitted that the conviction confirmed by the Appellate Court warrants interference in revision.

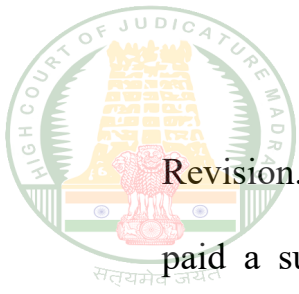
8. It is further argued that owing to the heavy pendency of criminal revision cases before this Court, there is very little possibility of the present Criminal Revision Petition being taken up for final disposal in the immediate future. Learned counsel submits that the Revision raises substantial questions of law and fact, involving appreciation of evidence and the applicability of the statutory presumptions under the Negotiable Instruments Act, and that the petitioner has a fair and arguable case in the Revision. It is therefore prayed that the sentence imposed upon the petitioner be suspended pending disposal of the Criminal Revision Petition.



9. It has been assured on behalf of the Revision Petitioner that he is fully prepared to cooperate with the process of law, shall faithfully appear before this Court and the Court below whenever required, and is willing to abide by any reasonable conditions that may be imposed by this Court. The petitioner further undertakes that he will not misuse the liberty granted to him and shall cooperate for the early disposal of the Criminal Revision Petition.

10. Learned Government Advocate (Criminal Side) appearing for the respondent/State opposed the submissions made on behalf of the petitioner and contended that both the Courts below have concurrently appreciated the oral and documentary evidence and rightly convicted the petitioner. It is therefore submitted that no case has been made out for grant of suspension of sentence at this stage.

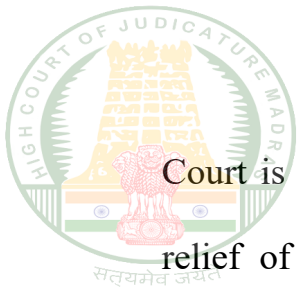
11. Considering the submissions advanced by the learned counsel for the Revision Petitioner and upon perusal of the materials placed on record, this Court finds that the petitioner has raised substantial and arguable grounds in the Revision, particularly with regard to the proof of the legally enforceable debt, the evidentiary value of Exs.P3 and P4, the competence of the Power Agent to depose regarding the transaction, and the applicability of the statutory presumptions under Sections 118 and 139 of the Negotiable Instruments Act. These issues require detailed consideration at the time of final hearing of the



Revision. This Court also takes note of the fact that the petitioner has already paid a sum of ₹7,50,000/- towards the compensation amount, including the amount deposited in compliance with the earlier order of this Court, thereby demonstrating his bona fide conduct.

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. Further, when an accused is faced with imminent incarceration and the Revision raises substantial questions requiring detailed examination, the Court is required to strike a balance between the right of the complainant and the valuable right to personal liberty guaranteed to the petitioner. Furthermore, the main Criminal Revision Petition is not likely to be taken up for final disposal in the near future. In such circumstances, and having regard to the substantial compliance made by the petitioner towards the compensation amount, this



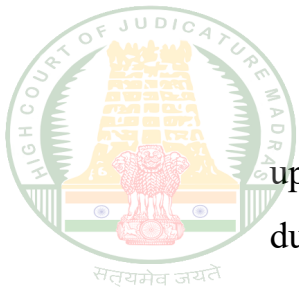
Court is of the considered opinion that the petitioner is entitled to the interim relief of suspension of sentence and bail pending disposal of the Criminal Revision Petition.

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 Judicial Magistrate, Fast Track Court (Magisterial Level), Alandur, 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 Judicial Magistrate, Fast Track Court (Magisterial Level), Alandur, subject to furnishing a written undertaking that he will fully cooperate in the hearing of the main Criminal Revision Petition.

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 copies of their Aadhaar Cards or Bank Passbooks to establish and verify their identity.

iii. The realization of the fine amount and compensation imposed



upon the Revision Petitioner shall remain stayed and suspended during the pendency of the present Criminal Revision Petition.

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iv. The Revision Petitioner shall appear before the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Alandur, once in every month, i.e., on the 3rd day of every English calendar month commencing from the month of September 2026 at 10:30 a.m., until further orders of this Court.

v. Upon acceptance of the bail bonds and sureties, the Trial Court shall forthwith transmit legible photostat copies thereof to the Registry of this Court to be retained along with the records of the Criminal Revision Petition.

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

27-07-2026

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

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To

- 1.The Additional District and Session Judge.
- 2.The Hon'ble Fast Track Judge (Magisterial Level), Alandur.
- 3.The Public Prosecutor, Madras High Court.



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SHAMIM AHMED, J.

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