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CRL MP No. 7339 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 7339 of 2026

IN

CRL RC NO. 928 OF 2026

A.Ayyappan, S/o.S.Arulalan, Proprietor M/s Shree
Balaji Enteriprises No.4/59, Anderson Street 1st
Floor, Chennai - 600 001 Residing at Old No.16
New No.56 Kutty Gramani Street Raja,
Annamalaipuram, Chennai 600 028

..Petitioner(s)

Vs

Formprint, Rep By Its Power Agent
S.Vasantharaman, S/o.Sampamurthy
No.9 New No.17 Baker Street
Chennai - 600 001

..Respondent(s)

Prayer:- To suspend the sentence of imprisonment imposed upon the Petitioner Appellant in C.C.No.68 of 2017 dated 06.01.2025 on the file of the Learned Metropolitan Magistrate Fast Track IV, George Town Court, as confirmed in CA.No.130 of 2025 dated 09.10.2025 on the file of the Honble XVIII Additional City Civil Sessions Court, at Chennai pending disposal of the above Criminal Revision enlarge the petitioner on bail on such terms and conditions as this Honble Court.

For Petitioner(s): Mr.M.Mohamed Nazar

For Respondent(s): Mr.C.Kathiravan

ORDER

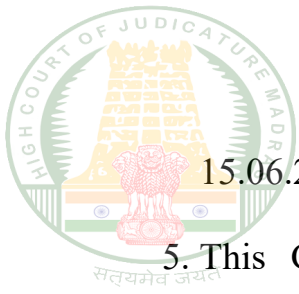
1. This Criminal Miscellaneous Petition has been filed, by the Revision Petitioner, praying to suspend the sentence of imprisonment, imposed upon



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the Petitioner in CC.No.68 of 2017, dated 06.01.2025, on the file of the learned Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai, as confirmed in the judgement made in C.A.No.130 of 2025, dated 09.10.2025, on the file of the Honble XVIII Additional City Civil Sessions Court, at Chennai and to enlarge the Petitioner on bail, till the disposal of the instant Criminal Revision Case.

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 under Section 138 of the Negotiable Instruments Act to undergo Simple Imprisonment for eight months and to pay a compensation of Rs.9,42,150/- (cheque amount), with interest at 3% p.a. in default to undergo Simple Imprisonment for two months. The impugned judgement judgement of conviction and sentence and order of the Trial Court was confirmed by the lower appellate Court, by its impugned judgement of conviction and sentence and order.
3. Challenging the above said judgement of conviction and sentence and order of the lower appellate court, the Revision Petitioner has filed the above Criminal Revision Case, along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail.
4. In compliance of the order dated, 03.06.2026, the Petitioner had deposited a sum of Rs.1,88,500/- being 20% of the cheque amount of Rs.9,42,150/- before the Trial Court and in this regard, a copy of the deposit receipt, dated



15.06.2026 is also produced before this Court.

5. This Court heard Mr.M.Mohamad Nazar, the learned counsel for the Petitioner and Mr.C.Kathiravan, the learned counsel for the Respondent and considered their submissions and also perused materials placed before this Court.

6. The learned counsel for the Petitioner has submitted that the impugned judgements of the courts below are improper and contrary to the material evidence on record and that both the courts below have failed to consider the entire evidence, in a proper and perspective manner and that the judgments passed by both the Courts below were based on surmises and conjectures, without considering the entire evidence on record.

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 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



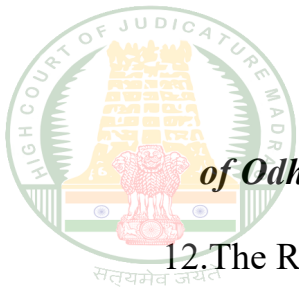
has been assured on behalf of the Revision Petitioner that he is ready to cooperate with the process of law and shall faithfully make himself available

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 undertakes that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in disposal of Revision.

9. The learned counsel for the Respondent has opposed the arguments 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.

10. Considering the arguments advanced by the learned counsel for the parties, this Court is of the view that both the courts below have failed to appreciate the evidence on record and the impugned judgments were passed, without considering the entire materials placed before it and during the Trial, the Revision Petitioner was also on bail.

11. 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.

12. 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. 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.

13. Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to Revision Petitioner, namely, A.Ayyappan, S/o.S.Arulalan, on the following conditions:-

- i. The Revision Petitioner shall surrender before the Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai, within three weeks from the date of receipt of a copy of this order and on such surrender, the Revision Petitioner is ordered to be released on bail, on his executing a personal bond, along with two sureties for a sum of Rs.15,000/- each and subject to furnishing an undertaking that he 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 copies of their Aadhaar card or Bank pass Book to ensure their identity.
- iii. The realization of fine, if any, shall also remain suspended during the pendency of the present Revision.
- iv. The Revision Petitioner shall appear before the Metropolitan Magistrate,



Fast Track Court IV, George Town, Chennai, once in every month, ie.,
on the first working day, commencing from the month of July 2026, at
10.30 a.m., until further orders.

14. On acceptance of his bail bonds and sureties, the Trial Court shall transmit
photostat copies thereof to this Court for being kept on records of this
Revision.

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

16-06-2026

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

SRCM

To

1. The Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai
2. XVIII Additional City Civil Sessions court, at Chennai
3. The Public Prosecutor, Madras High Court, Madras



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SHAMIM AHMED, J.

SRCM

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