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CRL MP No.5969 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

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THE HON'BLE MR.JUSTICE SHAMIM AHMED

**CRL MP No.5969 OF 2026
in CRL RC No. 757 of 2026**

T. Jayasankar

..Petitioner(s)

Vs

Vairamuthu

..Respondent(s)

PRAYER – This Criminal Miscellaneous Petition is filed under Section 430 (1) of BNSS, to suspend the sentence imposed by the I Additional Sessions Judge, City Civil Court, Chennai in C.A. No.443/2025, dated 09-12-2025, confirming the order passed by VII Metropolitan Magistrate, George Town, Chennai in C.C. No.1718/2015, dated 28-02-2025 pending disposal of Criminal Revision Petition.

For Petitioner(s):

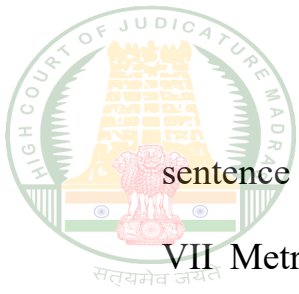
Mr.S.Rajkumar

For Respondent(s):

Mr.C.Dayakar

ORDER

This Criminal Miscellaneous Petition has been filed by the Revision Petitioner, praying to suspend the sentence imposed on him in C.A. No.443/2025, by order dated 09.10.2025, by the I Additional Sessions Judge, City Civil Court, Chennai, confirming the Judgement of conviction and



sentence and order, dated 28.02.2025 made in C.C. No.1718 of 2015, by the VII Metropolitan Magistrate, George Town, Chennai, till the disposal of the instant Criminal Revision Petition.

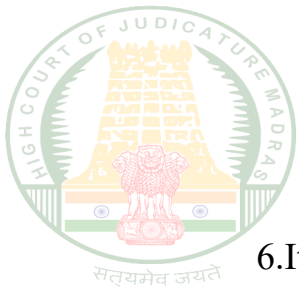
2.By the impugned judgement of conviction, sentence and order of the Trial Court, the Revision Petitioner was convicted and sentenced for offences under Section 357(3) of Cr.P.C. read with Section 138 of N.I. Act, to undergo six months simple imprisonment and to pay cheque amount of Rs.4,00,000/- as compensation to the complainant, in default to undergo simple imprisonment for one month.

3.Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has filed the above Crl. RC.No.757 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.S.Rajkumar, the learned counsel for the Revision Petitioner and Mr.C.Dayakar, learned counsel appearing for the Respondent and considered their submissions and also perused materials placed before this Court.



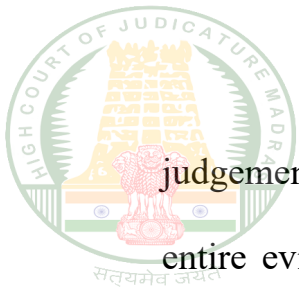
5. The learned counsel for the Revision Petitioner has submitted that a complaint was lodged by the respondent alleging that the petitioner had borrowed a sum of Rs.4,00,000/- to meet his urgent social commitment and in order to discharge the said legal liability, he issued a cheque bearing No.016144 dated 23.09.2015 drawn from TMB Ltd., Elayamrampannai Branch for a sum of Rs.4,00,000/- in favour of the respondent. When the said cheque was presented for encashment, the same was dishonoured 'payment stopped by the drawer'. Subsequently statutory notice was issued and since the cheque amount was not paid, a complaint in C.C.No.1718 Of 2015 was filed against the revision petitioner. Both the courts below failed to consider the fact that while the petitioner had made a request to his Bank authority on 05.06.2015 itself to stop payment to the lost instrument/cheque, the respondent had misused the lost instrument on 07.10.2015, after four months from the date when the petitioner had lost the cheque. The Trial Court as well as the I Appellate Court ought to have considered that the respondent neither proved the transaction allegedly said to have made to the petitioner nor produced any witness to validate his money transaction. 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 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 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 undertake that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in disposal of Revision Petition.

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 evidences 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 had 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. 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.

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12. Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to Revision Petitioner, namely, T. Jayasankar, S/o. Thirumalai, on the following conditions:-

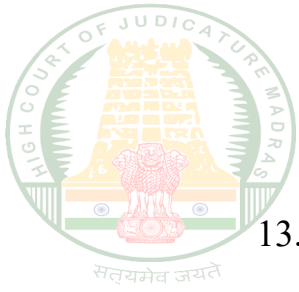
(i) The Revision Petitioner shall surrender before the VII Metropolitan Magistrate, George Town, Chennai within three weeks from the date of receipt of a copy of this order and on such surrender, the Revision Petitioner is ordered to be released on bail, on his executing a personal bond, along with two sureties for a sum of **Rs.15,000/-** (Rupees fifteen thousand only) each, 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 a copy of their Aadhaar card or Bank pass Book to ensure their identity.

(iii) The Petitioner shall appear before the VII Metropolitan Magistrate, George Town, Chennai once in every month, i.e., on 5th day of every month commencing from the month of August 2026 at 10.30 a.m., until further orders.

(iv) 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.

(v) The realization of the fine amount, if any, shall also remain suspended during the pendency of the present Revision.



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

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30-06-2026
(1/3)

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

GSA

To
1.The I Additional Sessions Judge,
City Civil Court, Chennai.

2.The VII Metropolitan Magistrate,
George Town, Chennai.



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SHAMIM AHMED J.

GSA

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