



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

Crl.M.P.Nos.9011 of 2026

in

CRL RC No. 1130 of 2026

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K.Vimalnath
S/o. Kannappan,
Plot No.74, Door No.36A,
Sai Nagar 3rd Street,
Buttmedu, GKM Colony,
Chennai-600 082.

..Petitioner(s)

Vs

M. Subramaniya Chetty
S/o. Krishanaiah Chetty,
Old No.1/2, New No.5,
Jambulingam Main Road,
Chitharanjan Colony,
Buttmedu,
Chennai-600 082.

..Respondent(s)

Prayer: To suspend the sentence passed by the XIX Addl. City Civil Corut, Chennai in Crl.A.No.140 of 2025 on 12.02.2026 confirming the judgment of conviction and sentence passed by the learned Metropolitan Magistrate, FTC II Egmore in STC.No.2611 of 2024, dated 02.01.2025 pending disposal of the Criminal Revision.

For Petitioner(s):

Mr. M. Jaikumar

For Respondent(s):

Mr.G.Magesh Kumar



ORDER

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This Criminal Miscellaneous Petition has been filed, by the Revision Petitioner, praying to suspend the sentence, imposed on the Revision Petitioner, in CrI.A.No.140 of 2025 dated 12.02.2026, by the XIX Addl. City Civil Court, Chennai, confirming the Judgement of conviction and sentence and order, dated 02.01.2025, made in S.T.C.No.2611 of 2024 by the Metropolitan Magistrate, FTC II Egmore till the disposal of the instant Criminal Revision Petition.

2. By the impugned judgement of conviction and sentence and order of the Trial Court, the Revision Petitioner was convicted for the offence punishable under **Section 138 of Negotiable Instruments Act and was sentenced** to undergo six months simple imprisonment and was directed to pay compensation of the cheque amount of Rs.9,00,000/-, in default, to undergo further two months Simple Imprisonment. 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.

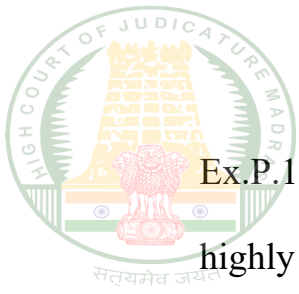
3. Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has filed the above CrI.R.C.No. 1130 of 2026



along with the instant Criminal Miscellaneous Petition Crl.M.P.No.9011 of 2026 seeking suspension of sentence and bail and Crl.M.P.No.9013 of 2026 seeking dispense with surrendering of the petitioner before the XIX Addl. City Civil Court pursuant to the order passed in Crl.A.No.140 of 2025.

4. This Court heard **Mr. M.Jaikumar**, the learned counsel for the Revision Petitioner and **Mr.G.Magesh Kumar**, learned counsel 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 the case of the complainant is that the petitioner is alleged to have borrowed a sum of Rs.9 lakhs from the respondent and towards discharge the alleged liability, he issued a cheque bearing No.02151011 and when the same was presented for encashment, it was returned with an endorsement 'Fund Insufficient'. The respondent failed to establish the foundational facts relating to the alleged loan including the date, mode of payment, source of funds and financial capacity to lend such a huge amount. It was further argued that both the courts mechanically drew presumption u/s.118 and 139 of NI Act without examining whether the complainant discharged the initial burden of proving legally endorseeable debt and no documentary proof such as bank statement, income tax return were produced and mere marking of



Ex.P.1 to Ex.P.5 does not prove the transaction and the entire transaction is highly improbable and contrary to normal human conduct. He further submitted that in compliance of the order of the Court, the petitioner, has sofar deposited Rs.3,15,000/- before the trial Court and now the petitioner has been arrested on 01.06.2026 and he was now under imprisonment.

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 has 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



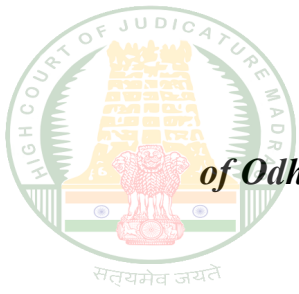
Petitioner undertakes that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in disposal of Revision.

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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 evidence and thus, the relief sought by the Revision Petitioner, at this stage, be refused by this Court.

8. 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 place before it and the petitioner is under incarceration since 01.06.2026.

9. Further, it is observed that the accused has 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.

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10. 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.

11. Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to Revision Petitioner, namely,

K.Vimalnath, S/o.Kannappan on the following conditions:-

- i. The Revision Petitioner is ordered to be released on bail, on his executing a personal bond before the learned Metropolitan Magistrate, FTC II, Egmore along with two sureties for a sum of **Rs.15,000/-** each, subject to furnishing 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 realization of fine shall also remain suspended during the pendency of the present Revision.
- iv. The Petitioner shall appear before the Metropolitan Magistrate, FTC II, Egmore, 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.
- iv. 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.

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12. With the above directions, this Crl.M.P.No.9011 of 2026 is ordered.

08.06.2026

MSR

Note: Issue copy today on 08.06.2026

To

- 1. The XIX Addl. City Civil Court Chennai**
- 2. The Metropolitan Magistrate, FTC II Egmore, Chennai**
- 3. The Superintendent,
Central Prison, Puzhal, Chennai**
- 4. The Public Prosecutor, Madras High Court**



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SHAMIM AHMED J.

MSR

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