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CRL MP No. 8777 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. 8777 of 2026

IN

CRL RC NO. 1108 OF 2026

Durairaj
S/o S.N.Senniappan,
Proprietor,
M/s Sri Lakshmi Electricals and Hardware,
3/369, Trichy Road,
K.S.N.Puram,
Lakshmi Mills,
Coimbatore.

..Petitioner(s)

Vs

A.P.Karuppasamy
S/o Ponnappagounder,
D.No.2/66, K.Ayyampalayam Post
K.S.N.Puram Via,
Palladam Taluk,
Tiruppur.

..Respondent(s)

Prayer: To Suspend the sentence confirmed in the judgment in Crl.A.No.184 of 2024 dated 05.05.2026 on the file of the Sessions Judge, Special Special Court for Trial of cases under SC/ST (PoA) act, Tiruppur in confirming the judgment made in STC.No.466 of 2019 dated 06.05.2024 on the file of the Judicial Magistrate Court at Palladam, Tiruppur pending disposal of the Criminal Revision Petition.

For Petitioner(s): Ms.Shgri Varshini.V

For Respondent(s): Mr.S.Sriram

**ORDER**

This Criminal Miscellaneous Petition has been filed by the Revision Petitioner, praying to suspend the sentence imposed on him in Crl.A. No. 184 of 2024, dated 05.05.2026, by the Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Tiruppur, confirming the judgment of conviction, sentence, and order dated 06.05.2024 made in S.T.C. No. 466 of 2019 by the Judicial Magistrate Court, Palladam, Tiruppur, till the disposal of the instant Criminal Revision Petition.

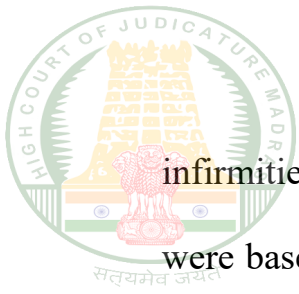
2.By the impugned judgment of conviction, sentence, and order of the Trial Court, the Revision Petitioner was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo Simple Imprisonment for a period of six months and to pay a fine/compensation of Rs. 5,00,000/- (Rupees Five Lakhs only) within three months under Section 357(3) of the Code of Criminal Procedure, 1973, and in default of payment of fine/compensation, to undergo further Simple Imprisonment for a period of one month. The impugned judgment of conviction, sentence, and order of the Trial Court was confirmed by the Lower Appellate Court, by its impugned judgment. It is submitted that during the trial and the subsequent appeal, the petitioner's sentence was suspended, and the petitioner is not currently confined in prison.



3. Challenging the impugned 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.

4. This Court heard the learned counsel for the Revision Petitioner and the learned counsel appearing for the Respondent/Complainant, considered their submissions, and also perused the materials placed before this Court.

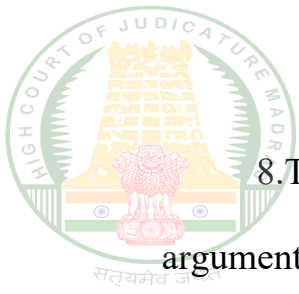
5. The learned counsel for the Revision Petitioner has submitted that the prosecution case rests on an alleged cash loan of Rs.5,00,000/- borrowed on 04.03.2019, against which Cheque No. 302424 dated 02.05.2019, drawn on Canara Bank, Semmipalayam Branch, was subsequently issued. It is argued that the Courts below failed to note that the statutory legal notice was never served upon the petitioner, having been returned with the endorsement "left", thereby vitiating the mandatory pre-requisites for initiating a prosecution under Section 138 of the Negotiable Instruments Act. Furthermore, both courts failed to take note of the multiple representations of the cheque and structural discrepancies in the transaction timeline. It is further argued that the Trial Court mechanically convicted the accused on an erroneous appreciation of facts and law, which was subsequently confirmed by the Lower Appellate Court without an independent application of mind to these fatal legal flaws. In the light of these material



infirmities, it was argued that the judgments passed by both the Courts below were based on surmises and conjectures without considering the structural gaps in the evidence on record.

6.It is further argued that due to the pendency of criminal cases before this High Court, there is a remote chance that in the near future, this Criminal Revision Case will be finally heard and decided. It is further submitted that there are highly arguable points in this Criminal Revision Case and the Revision Petitioner has a fair chance of success. Thus, the learned counsel for the Revision Petitioner has prayed for suspension of sentence and bail, till the disposal of this Criminal Revision Petition.

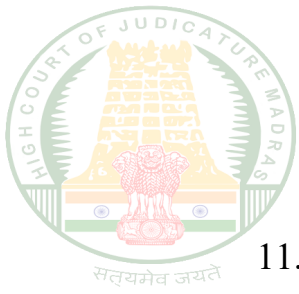
7.Several other submissions in order to demonstrate the falsity of the financial claims made against the Revision Petitioner have also been placed forth before the Court. The circumstances which, according to the counsel, led to an erroneous shifting of the statutory presumption have also been touched 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 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 the disposal of the Revision Petition.



8. The learned counsel for the Respondent/Complainant has opposed the arguments advanced by the learned counsel for the Revision Petitioner and submits that the judgments passed by both the Courts below are strictly in accordance with the law, based on an accurate reading of the statutory presumptions under the Negotiable Instruments Act, and thus, the relief sought by the Revision Petitioner, at this stage, should be refused.

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 properly appreciate the evidence on record regarding the non-service of the mandatory statutory notice, and the judgment was passed without adequately evaluating the legal compliance required under the Act. It is also noted that during the Trial and during the pendency of the appeal, the Revision Petitioner was on bail.

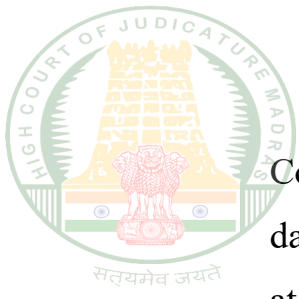
10. Further, it is observed that when the accused have been under threat of incarceration and when there are points in the Revision which favour the accused, then the Courts should not shy from granting suspension of sentence, as the liberty of the individual would be at stake if the revision results 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 Odisha*** reported in 2023 Live Law (SC) 533 is of relevance.



11. The Revision Petitioner has raised substantial grounds in the Revision, particularly concerning the structural maintainability of the complaint, which require a 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.

12. Accordingly, pending the 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 Judicial Magistrate Court, Palladam, Tiruppur, 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 cooperate 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 passbook to ensure their identity.
- iii. The realization of the fine/compensation amount shall also remain suspended during the pendency of the present Revision.
- iv. The Petitioner shall appear before the Judicial Magistrate



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Court, Palladam, Tiruppur, once in every month, i.e., on the 3rd day of every month commencing from the month of August 2026 at 10.30 a.m., until further orders.

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

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

30-06-2026

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

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To

1. The Judicial Magistrate Court at Palladam, Tiruppur.
2. The Sessions Judge, Special Court for Trial of cases under SC/ST (PoA) Act, Tiruppur.
3. The Public Prosecutor, Madras High Court.



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SHAMIM AHMED, J.

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