



Crl.M.P.No.8769 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 24.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.M.P.No.8769 of 2026

in

Crl.R.C.No.1106 of 2026

M/s. Star Plastics,
represented by its Managing Partner
Mr.V.Nandakumar ,
No.168/1, Second Floor,
Kolathupalayam, Gangapuram(Post),
Chittode (via), Erode 638 102

Mr.V.Nandakumar,
Managing Partner of M/s.Star Plastics,
No.54, Green City, Villarasampatti,
Erode 638 107.

... Revision Petitioner

Vs

Amit M. Jain HUF
having office at
15, Vasu Street, 3rd Floor,
Kilpauk, Chennai 600 010,
represented by its Power Agent
Mr.Prakash V Bhatt

... Respondent

Prayer:- To suspend the sentence imposed on the 2nd petitioner by the XXII Addl. Sessions Court, Chennai, vide a judgment dated 30.04.2026 passed in Crl.A.No.1111 of 2025, reversing the judgment dated 19.07.2025 passed by the learned Metropolitan Magistrate, Fast Track Court-I, Egmore at



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Allikulam, Chennai in STC.No.9801 of 2024, and consequently enlarge the
2nd petitioner on bail pending disposal of the above Revision.

For Revision Petitioner : Mr. R. Palaniandavan

For Respondent : served, no appearance

ORDER

1.This Criminal Miscellaneous Petition has been filed by the Revision Petitioners, praying to suspend the sentence, imposed on the Revision Petitioners in Crl.A.No.1111 of 2025, dated 30.04.2026, by the XXII Addl. City Civil Court, Chennai reversing the Judgement, dated 19.07.2025 made in STC.No.9801 of 2024, by the Metropolitan Magistrate, Fast Track Court-I, Egmore at Allikulam, Chennai till the disposal of the instant Criminal Revision Petition.

2. By the judgement and order of the Trial Court, the Revision Petitioners were acquitted under section 138 of the Negotiable Instruments, Act 1881. Aggrieved against such acquittal, the respondent herein filed appeal Crl.A.No.1111 of 2025 before the XXII Addl. City Civil Court Chennai. The First Appellate Court, by reversing the judgment of acquittal passed by the trial court, convicted and sentenced the petitioners for the offence as follows:

Petitioner	Conviction	Sentence
Sole	U/s.138 of Negotiable	To undergo simple imprisonment



Petitioner	Conviction	Sentence
accused	Instruments Act.	for a period of six months together with compensation of Rs.43,57,500/- to the complainant. The period of sentence shall be undergone by the 2 nd accused.

3.Challenging the above said judgement of conviction and sentence and order, the Revision Petitioners have filed the above Crl.RC.No.1106 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. R. Palaniandavan, the learned counsel for the Revision Petitioners and considered their submissions and also perused materials placed before this Court.

5.The learned counsel for the Revision Petitioners has submitted that the petitioners are alleged to have issued a cheque bearing No.000042, dated 25.09.2023 in favour of the respondent and when the same was presented for encashment it was returned with an endorsement 'Payment Stopped By Drawer'. After issuance of statutory notice, a complaint was filed against the petitioners under section 138 of Negotiable Instruments Act. The First Appellate Court has failed to consider that the respondent was represented by a power of attorney agent who was examined as PW1 and



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he was thoroughly lacking competence to depose before the Magistrate as

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he was not aware of various vital facts touching the subject transaction

which was clearly elicited during the cross examination of PW1. The

appellate court has committed a grave error in coming to a conclusion that

the petitioner is supposed to have raised the defence that the cheque was

misused by the respondent and in the absence of such a defence being

raised by the petitioner, the quantum of cheque amount becomes

insignificant for being considered. It was further argued that the learned

appellate Court has failed to notice the discrepancies in the deposition of

witnesses and the crystal part of the evidences was not at all assessed by

the First Appellate Court. It was further argued that the judgment passed

by the First Appellate Court 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

Petitioners have a fair chance of success in this Criminal Revision Case.

Thus, the learned counsel for the Revision Petitioners has prayed for

suspension of sentence and bail, till the disposal of this Criminal Revision



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Petition.

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7. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision Petitioners 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 Petitioners 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 Petitioners undertake that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in disposal of Revision.

8. Considering the arguments advanced by the learned counsel for the Revision Petitioners, this Court is of the view that the Appellate Court has failed to appreciate the evidence on record and the judgment was passed without considering the entire materials place before it and during the Trial the Revision Petitioner was also on bail.

9. 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 Court should not shy from granting suspension of



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sentence, as the liberty of the individual would be at stake, if the revision

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results in acquittal at a later point of time. In this regard, the decision of

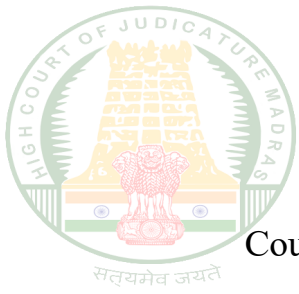
the Hon'ble Supreme Court of India, in the case of ***Rabi Prakash Vs. The State of Odhisha reported in 2023 Live Law (SC) 533*** is of relevance.

10.The Revision Petitioners have 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 Petitioners are 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 No.2, namely, **V. Nandakumar, Managing Partner of M/s.Star Plastics** on the following conditions:-

i. The Revision Petitioner No.2 shall surrender before the Fast Track Court -I Metropolitan Magistrate, Egmore, Chennai at Allikulam within three weeks from the date of receipt of a copy of this order and on such surrender, the Revision Petitioner No.2 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 undertaking that he will co-operate in the hearing of the present Revision.

ii. The Revision Petitioner No.1 and sureties shall affix their Photographs and Left Thumb Impression in the bond and the above said



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Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity.

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

iv. The Petitioner shall appear before the Fast Track Court -I , Metropolitan Magistrate, Egmore at Allikulam Chennai, once in every month, ie., on the 3rd day of every month commencing from the month of July 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 records of this Revision.

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

24.06.2026

2/2

Index:Yes/No

Web:Yes/No

msr

To

1.The XXII Addl. City Civil Court, Chennai

2.The Fast Track Court-I Metropolitan Magistrate,
Egmore, Allikulam, Chennai



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SHAMIM AHMED, J.

msr

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in
Crl.R.C.No.1106 of 2026**

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