



WEB COPY

CRL MP.10026 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

Crl.MP.No.10026 of 2026

in

Crl.RC.No.1237 of 2026

S. Thennarasu
S/o.Sivalingam,
Near Union Bank,
Old Vaniyambadi,
Devasthanam,
Vaniyambadi TK,
Tirupattur.

..Petitioner

Vs

L. Ramesh
S/o.Lakshmanan,
Sandai Pananthope,
Nehru Veedhi,
Natrampalli,
Tirupattur.

..Respondent

CRL MP No. 10026 of 2026

To suspend the sentence of imprisonment imposed in the judgment dated 15.12.2025 made in C.A.No.53 of 2021 on the file of the learned Principal District and Sessions Judge, Tirupattur, confirming the conviction and sentence imposed in the judgment made in CC.No.91 of 2012 on the file of the learned Judicial Magistrate, Vaniyambadi dated 30.09.2021 and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

For Petitioner(s):

Mr. V. Krishnamoorthy

**ORDER**

WEB COPY 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.53 of 2021, dated 15.12.2025, by the Principal District and Sessions Judge, Tirupattur, confirming the Judgement, dated 30.09.2021 made in C.C.No.91 of 2012, by the Judicial Magistrate, Vaniyambadi, and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.

1. By the judgement and order of the Trial Court, the Revision Petitioner was convicted under section 138 of the Negotiable Instruments, Act 1881.

Petitioner	Conviction	Sentence
Sole accused	U/s.138 of Negotiable Instruments Act.	To undergo simple imprisonment for a period of six months and to pay the compensation of Rs.2,00,000/- to the complainant, failing which, to undergo 1 ½ months Simple Imprisonment.

Aggrieved against the order passed by the trial court, the petitioner herein filed appeal Crl.A.No.53 of 2021 before the Principal District and Sessions Judge, Tirupattur. The First Appellate Court, by confirmed the judgment passed by the trial court, as stated above.

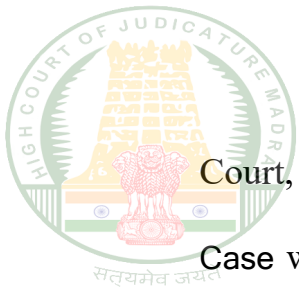
2. Challenging the above said judgement of conviction and sentence and order, the Revision Petitioners have filed the above Crl.RC.No.1237 of 2026, along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail pending disposal of the Criminal Revision.



3.This Court heard Mr. V.Krishnamoorthy, the learned counsel for the Revision Petitioner and considered his submissions and also perused the materials placed before this Court.

4.The learned counsel for the Revision Petitioner has submitted that the petitioner is alleged to have issued a cheque bearing No.002650, dated 01.10.2011 in favour of the respondent in order to discharge his legally enforceable debt. When the said cheque was presented for encashment, it was returned with an endorsement 'funds insufficient'. After issuance of statutory notice, a complaint was filed against the petitioner under section 138 of Negotiable Instruments Act. Both the Courts below have failed to consider that the existence of a legally enforceable debt or liability, which is sine qua non for an offence under section 138 of NI Act, has not been established by the respondent. Both the courts below failed to note the inconsistencies regarding the date and manner of issuance of the cheque with contradictory versions stating different dates and circumstances, thereby rendering the prosecution case unreliable. 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.

5.It is further argued that due to pendency of the criminal cases before this High



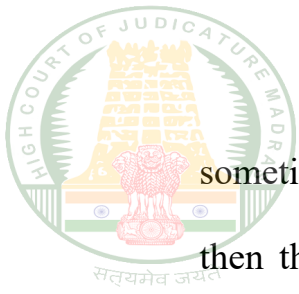
Court, there is a blinking chance that in the near future, this Criminal Revision Case will be finally heard and decided. It is further submitted that there are

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.

6. 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.

7. Considering the arguments advanced by the learned counsel for the Revision Petitioner, this Court is of the view that the both the courts below have 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.

8. 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 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.

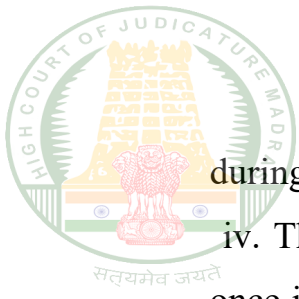
9.The Revision Petitioner has raised substantial grounds in the Revision, which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the Revision Petitioner is entitled to the relief of suspension of sentence and bail.

10.Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to Revision Petitioner namely, **S. Thennarasu, Son of Sivalingam** on the following conditions:-

i. The Revision Petitioner shall surrender before the learned Judicial Magistrate, Vaniyambadi, 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 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 amount, if any, shall also remain suspended



during the pendency of the present Revision.

iv. The Petitioner shall appear before the Judicial Magistrate, Vaniyambadi, once in every month, ie., 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 records of this Revision.

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

MSR

30-06-2026



WEB COPY

CRL MP.10026 of



SHAMIM AHMED J.

MSR

Crl.MP.No.10026 of 2026
in
Crl.RC.No.1237 of 2026

30-06-2026