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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 18828 of 2026
IN
CRL RC NO. 2285 OF 2026

S.Anupama
W/o Senthil Kannan,
368, Downstairs, Thendral Nagar,
Hosur Post and Taluk,
Krishnagiri District.

..Petitioner(s)

Vs

S.Subramaniyan
S/o Sengodan,
19B, Pakaliyur, Sankari Post and Taluk,
Salem District.

..Respondent(s)

CRL RC No. 2285 of 2026

S.Anupama
W/o Senthil Kannan,
368, Downstairs, Thendral Nagar,
Hosur Post and Taluk,
Krishnagiri District.

Appellant(s)

Vs

S.Subramaniyan
S/o Sengodan,
19B, Pakaliyur, Sankari Post and Taluk,
Salem District. Respondent(s)

CRL MP No. 18828 of 2026

To Suspend the sentence passed against the petitioner in the Judgment of Crl.Appeal No. 58 of 2021 on the file of the learned Principal District and Sessions Judge, Salem and the order dated 22.07.2026 confirming the conviction and the sentence pased by the Judicial Magistrate Court Level-1,

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Senkagiri in STC No.811 of 2018 by a judgment dated 26.08.2021 pending disposal of the above revision and thus render Justice.

CRL RC No. 2285 of 2026

To call for the records in Crl.Appeal No.58 of 2021 on the file of the Learned Principal District and Sessions Judge, Salem and set aside the order dated 22.07.2026 confirming the conviction and the sentence passed by the Judicial Magistrate Court Level-1, Sankagiri in STC No.811 of 2018 by a judgment dated 26.08.2021 by allowing this revision and thus render Justice.

For Petitioner(s): Ms. M. Mohana for M/s. Saranya M.V

ORDER

This Criminal Miscellaneous Petition has been filed by the Revision Petitioner, praying to suspend the sentence imposed upon him in S.T.C.No.811 of 2018, dated 26.08.2021 passed by the learned Judicial Magistrate Court Level-1, Sankagiri as confirmed in Criminal Appeal No.58 of 2021, dated 22.07.2026, passed by the learned Principal District and Sessions Judge, Salem to enlarge the Petitioner/Appellant on bail pending disposal of the Criminal Revision Case.

2.By the impugned judgement of conviction and sentence and order of the Trial Court, the Revision Petitioner was convicted for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of one year and he was also directed to pay the

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cheque amount of Rs.7,00,000/- as compensation to the complainant, in default, to undergo one month Simple Imprisonment.

3.Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has filed the above Criminal Revision, along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail pending disposal of the Criminal Revision.

4.This Court heard Mr.Ms.M.Mohana, learned counsel appearing for the Revision Petitioner and considered his submissions and also perused materials placed before this Court.

5.The learned counsel for the Revision Petitioner has submitted that the petitioner has borrowed a sum of Rs.7,00,000/- towards her urgent needs and in order to repay the said amount, the petitioner issued a cheque and when the same was presented before the Bank for encashment, it was returned with an endorsement 'Fund Insufficient'. After issuance of statutory notice, since the petitioner has not repaid the cheque amount, a complaint was filed before the trial Court against the revision petitioner under section 138 of the Negotiable Instruments Act. Both the courts below failed to consider that the evidence of PWl clearly showed that the EX.Pl is not a genuine one and both the Courts have ignored that Ex.Pl is issued for the safety purpose during the year 2015,

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in a chit transaction. The respondent herein has misused the cheque given for security purpose, hence there is no legally enforceable debt as on the date of alleged issuance of the cheque. Therefore, the judgment rendered by both the Courts below are liable to be set aside. 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 she 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

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the Court may deem fit to impose upon him. The Revision Petitioner undertake that in case she 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 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.

9.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.

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

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bail.

11.Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to Revision Petitioner, namely, S.Anupama , on the following conditions:-

''(i) The Revision Petitioner shall surrender before the learned Principal District and Sessions Judge, Salem 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 her executing a personal bond, along with two sureties for a sum of Rs.15,000/- (Rupees fifteen thousand only), subject to furnishing an undertaking that she 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 learned *Principal* District and sessions judge, Salem *once in every month, i.e., on 5th day of every month commencing from the month of December 2026 at 10.30 a.m., until further orders.*

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(iv) On acceptance of her bail bond and sureties, the Trial Court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.

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

11-11-2026

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

MSR

To

1. The Principal District and Sessions Judge, Salem
2. The Judicial Magistrate Court, Level-1, Sankagiri

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SHAMIM AHMED, J.

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