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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

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THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 20421 of 2026
IN
CRL RC NO. 2422 OF 2026

D.Antony Muthu
S/o Dhasan,
Proprietor,
Nivethitha Transport,
flat No.S-2, 2nd Floor,
Plot No.50-A,
Park Road,
Thendral Nagar,
Srinivasapuram Extension,
Anakaputhur,
Chennai.

..Petitioner(s)

Vs

R.Vaithiyanathan
S/o Ramakrishnan,
No.113, 6th Cross Street,
Royal Garden,
Kattupakkam,
Chennai.

..Respondent(s)

Prayer: To Suspend the sentence imposed upon the petitioner by the Judgment dated 10.09.2026 made in Crl.A.No.149 of 2024,on the file of the II Additional District and Sessions Judge, Thiruvallur confirming the Judgment of Conviction and Sentence dated 27.06.2024 made in S.T.C.No.133 of 2022 on the file of the Learned Judicial Magistrate, Fast Track Court, Poonamallee and enlarge the petitioner on bail pending disposal of the Criminal Revision case, and on such terms and conditions as this Honourable Court may deem fit and proper..

For Petitioner(s): Mr.G.S.Mohan

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For Respondent(s): Mr.R.Dharsan

ORDER

This Criminal Miscellaneous Petition has been filed by the Revision Petitioner, praying to suspend the sentence imposed on him in Crl.A.No.149 of 2024, dated 10.09.2026, by the learned II Additional District and Sessions Judge, Thiruvallur @ Poonamallee, confirming the judgment of conviction and sentence, dated 27.06.2025, made in S.T.C.No.133 of 2022, by the learned Judicial Magistrate, Fast Track Court, Poonamallee, till the disposal of the instant Criminal Revision Petition.

2.By the impugned judgment of conviction and sentence passed by 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 one year and to pay compensation of Rs.5,00,000/-.

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

4.This Court heard Mr. G.S.Mohan, learned counsel for the Revision

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Petitioner and Mr. R.Dharsan, learned counsel for the Respondent and considered their submissions and also perused the materials placed before this Court.

5.The learned counsel for the Revision Petitioner submitted that the petitioner is alleged to have borrowed a sum of Rs.3,00,000/- from the respondent on 10.12.2020 and had issued two post-dated cheques bearing Nos.736221 and 736222. It is further submitted that the complainant has given contradictory versions regarding the issuance and subsequent use of Cheque No.736222, which is the subject matter of the present prosecution. The learned counsel further submitted that the complainant had initially described the cheque as a security cheque and subsequently claimed that the same was issued towards discharge of the alleged liability pursuant to a subsequent arrangement dated 07.10.2021. It is contended that the Courts below failed to properly appreciate the material contradictions in the statutory notice, proof affidavit and oral evidence of the complainant. It is also submitted that the Courts below mechanically applied the presumptions under Sections 118 and 139 of the Negotiable Instruments Act without considering the probable defence raised by the petitioner.

6.It is further argued that the complainant has not satisfactorily explained

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the circumstances surrounding the issuance, custody and completion of the cheque and the actual legally enforceable liability as on the date of its presentation. The learned counsel submitted that the petitioner has raised substantial and arguable grounds in the Criminal Revision Case and that the **petitioner is presently confined in Puzhal Central Prison**. Hence, the learned counsel prayed for suspension of sentence and grant of bail pending disposal of the Criminal Revision Case.

7.Several other submissions, in order to demonstrate the erroneous appreciation of evidence by the Courts below, have also been placed before this Court. 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. 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.

8.The learned counsel appearing for the Respondent opposed the arguments advanced by the learned counsel for the Revision Petitioner and submitted that the judgments passed by the Courts below are in accordance with law, after considering the entire evidence and materials available on record. Hence, the learned counsel prayed that the relief sought for by the Revision Petitioner may be refused.

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9.Considering the arguments advanced by the learned counsel for the Revision Petitioner as well as the learned counsel appearing for the Respondent, this Court is of the view that the Revision Petitioner has raised certain arguable grounds, particularly with regard to the alleged contradictions in the complainant's own documents and oral evidence concerning the issuance and subsequent use of the cheque. The petitioner has also raised grounds regarding the application of the statutory presumptions under Sections 118 and 139 of the Negotiable Instruments Act. These aspects require detailed consideration at the time of final hearing of the Criminal Revision Case. This Court also takes note of the fact that the petitioner is presently in judicial custody.

10.Further, it is observed that when an accused has been under incarceration and when there are arguable points in the Revision, which require consideration, the Courts should not shy away from granting suspension of sentence, as the liberty of the individual would be at stake if the Revision ultimately results in acquittal. 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 Criminal Revision Case, which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future and the petitioner is presently confined in

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prison. 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 disposal of the Criminal Revision Case, the sentence imposed on the Revision Petitioner, namely, D. Antony Muthu, Son of Dhasan, is suspended and he is ordered to be released on bail on the following conditions:-

i. The Revision Petitioner is ordered to be released on bail, on his executing a bond for a sum of Rs.15,000/- (Rupees fifteen thousand only), with two sureties, each for a like sum, before the learned Judicial Magistrate, Fast Track Court, Poonamallee, subject to furnishing an undertaking that he will cooperate in the hearing of the present Criminal Revision Case.

ii. The Revision Petitioner and the 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 petitioner shall appear before the learned Judicial Magistrate, Fast Track Court, Poonamallee, once in every month, i.e., on the 3rd day of every month at 10.30 a.m., commencing from the month of December of 2026, until further orders.

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iv. 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 Criminal Revision Case.

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

05-11-2026

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

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To

1.The II Additional District and Sessions Judge, Thiruvallur.

2.The Judicial Magistrate, Fast Track Court, Poonamallee.

3.The Superintend of Police, Puzhal Central Prison.

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