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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. 20614 of 2026
IN
CRL RC NO. 2444 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 dt.10.09.2026 made in Crl.A.No.150 of 2024 on the file of Additional District and Sessions Judge No-II,Thiruvallur confirming the judgment of conviction and sentence dt.27.06.2025 made in STC.No.55 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 Honble Court.

For Petitioner(s): Mr.S.Ezhil Raj

For Respondent(s): Mr.R.Dharsan

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ORDER

This Criminal Miscellaneous Petition has been filed by the Revision Petitioner, praying to suspend the sentence imposed on him in Crl.A.No.150 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 27.06.2024, made in S.T.C.No.55 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 directed to pay compensation of Rs.40,00,000/-.

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. Mr.S.Ezhil Raj, learned counsel for the Revision Petitioner and Mr. Mr.R.Dharsan, learned counsel for the Respondent and

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considered their submissions and also perused the materials placed before this Court.

5.The learned counsel for the Revision Petitioner submitted that the complainant's case is that the petitioner had borrowed a sum of Rs.25,57,200/- and subsequently issued a cheque bearing towards the alleged settlement of the liability. It is contended that the Courts below failed to properly appreciate the material contradictions in the evidence of the complainant, particularly with regard to the actual advancement of the loan, the rate of interest, the alleged settlement and the computation of the outstanding liability. It is further submitted that the Courts below failed to consider the payments allegedly made by the petitioner and the absence of any written settlement or satisfactory statement of accounts establishing the exact liability. The learned counsel further contended that the statutory presumptions under Sections 118 and 139 of the Negotiable Instruments Act were mechanically applied without properly appreciating the probable defence raised by the petitioner.

6.It is further argued that the Courts below failed to consider the discrepancies in the calculation of the alleged liability and the inclusion of incidental expenses without proper supporting materials. 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

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Central Prison, Chennai. 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 by this Court.

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 computation of the alleged legally

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enforceable liability, the rate of interest, the alleged settlement and the appreciation of the evidence of the complainant. 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**. It is further submitted that the order dated 29.10.2026 passed by this Court, directing the petitioner to deposit 35% of the total cheque/compensation amount, has been duly complied with by the petitioner.

10.Further, it is observed that when an accused has been under incarceration and when there are arguable points in the Revision, which favour the accused, 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 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.

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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 following his release on bail, until further orders.

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

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Criminal Revision Case.

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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 Additional District and Sessions Judge No-II,Thiruvallur.

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

3.The Superintendent of Police, Puzhal Central Prison, Chennai.

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SHAMIM AHMED, J.

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