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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 20953 of 2026
IN
CRL RC NO. 2472 OF 2026

J.Sri Lakshmi Jenifer
W/o Joseph,
No.39, Joseph,
No.39, Chinna Kulanthai Street,
Maduma Nagar,
Perambur,
Chennai

..Petitioner(s)

Vs

V.Karunambigal
W/o Late. Vairamuthu,
No.2, Chinna Kulanthai 2nd street,
Perambur, Chennai

..Respondent(s)

Prayer: To Suspend the sentence in STC No.5320/2023 dated 27.06.2025 on the file of Metropolitan Magistrate, Fast Track-II (Magistrate Level) Egmore, at Allikulam, Confirmed in Crl.A.No.939 of 2025 dated 13.08.2026 on the file of the XXI Addl Sessions Judge, Chennai and enlarge the petitioner on bail pending disposal of the Revision Petition and thus render Justice.

For Petitioner(s): Mr.Velmurugan

ORDER

This Criminal Miscellaneous Petition has been filed by the Revision Petitioner, praying to suspend the sentence imposed on her in the judgment

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dated 13.08.2026 made in Crl.A.No.939 of 2025 by the learned XXI Additional Sessions Judge, Chennai, confirming the judgment of conviction and sentence dated 27.06.2025 made in S.T.C.No.5320 of 2023 by the learned Metropolitan Magistrate, Fast Track-II (Magistrate Level), Egmore, at Allikulam, pending disposal of the instant Criminal Revision Petition.

2.By the impugned judgment of conviction and sentence, the Revision Petitioner was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of six months and to pay a sum of Rs.6,75,000/- as compensation to the Complainant under Section 357(3) of Cr.P.C., within a period of 30 days from the date of the Trial Court's order, in default, to undergo simple imprisonment for a further period of two months. No fine was imposed.

3.Challenging the above 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 the learned counsel for the Revision Petitioner and the learned Government Advocate (Criminal Side) appearing for the Respondent and considered their respective submissions and also perused the materials

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placed before this Court.

5.The learned counsel for the Revision Petitioner submitted that the total cheque amount involved in the present case is Rs.6,75,000/-, out of which a sum of Rs.1,20,000/- has already been deposited before the learned Trial Court. The learned counsel further submitted that the Revision Petitioner has been in judicial custody from 28.10.2026. It is further submitted that the Revision Petitioner is ready and willing to deposit a further sum of Rs.2,00,000/- within a period of two weeks from the date of her release from prison. The learned counsel also brought to the notice of this Court that the Revision Petitioner is having a minor child aged about four years and that her continued incarceration has caused considerable hardship to the family, particularly to the minor child, who requires the care, affection and attention of the mother at this tender age. Therefore, it is contended that the release of the Revision Petitioner on bail would be necessary in the interest of justice.

6.The learned counsel further submitted that the Revision Petitioner has specifically undertaken that, immediately upon her release from prison, she shall deposit a further sum of Rs.2,00,000/- before the learned Trial Court in S.T.C.No.5320 of 2023 within a period of two weeks and shall produce the receipt evidencing such deposit before this Court on the next date of hearing. It is further submitted that, owing to the pendency of several Criminal Cases

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before this Court, there is little likelihood of the present Criminal Revision Petition being taken up for final hearing in the near future. The learned counsel for the Revision Petitioner has raised substantial and arguable grounds in the Criminal Revision Petition and he submits that he has a fair chance of succeeding in the Revision. It was further assured on behalf of the Revision Petitioner that she would cooperate with the process of law, make herself available before the Court whenever required and abide by all the conditions that may be imposed by this Court. The Revision Petitioner has also undertaken that she would not misuse the liberty of bail and would cooperate with the disposal of the Criminal Revision Petition. Thus, the learned counsel prayed that the sentence imposed on the Revision Petitioner may be suspended and she may be enlarged on bail pending disposal of the Criminal Revision Petition.

7.Several other submissions have also been made by the learned counsel for the Revision Petitioner to demonstrate the alleged infirmities in the case of the Complainant and the grounds on which the Revision Petitioner seeks to challenge the judgments of the Courts below. The circumstances which, according to the learned counsel, have resulted in the conviction of the Revision Petitioner have also been placed before this Court. The learned counsel reiterated that the Revision Petitioner is ready and willing to comply with any condition that may be imposed by this Court and that her release on bail would not prejudice the proceedings in the Criminal Revision Petition.

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8.Considering the submissions advanced by the learned counsel for the Revision Petitioner as well as the learned Government Advocate (Criminal Side) appearing for the Respondent, this Court is of the view that certain relevant circumstances warrant consideration while deciding the present petition. Admittedly, the total cheque amount involved in the present case is Rs.6,75,000/-, out of which the Revision Petitioner has already deposited a sum of Rs.1,20,000/- before the learned Trial Court. Further, the Revision Petitioner has voluntarily come forward to deposit an additional sum of Rs.2,00,000/- within a period of two weeks from the date of her release from prison. Thus, the amount already deposited and the further undertaking given by the Revision Petitioner demonstrate her willingness to make a substantial deposit towards the cheque amount. The said undertaking is a relevant circumstance which can be taken into consideration while deciding the request for suspension of sentence.

9.It is also brought to the notice of this Court that the Revision Petitioner has been in judicial custody from 28.10.2026 and that she is having a minor child aged about four years. The continued incarceration of the Revision Petitioner would undoubtedly cause considerable hardship to the family, particularly to the minor child, who requires the care, affection and attention of the mother at this tender age. Though the said circumstance by itself cannot be the sole ground for granting suspension of sentence, the same deserves consideration along with the other circumstances placed before this Court.

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10.Further, it is observed that when a person is under incarceration and has raised arguable grounds in the Criminal Revision Petition which require detailed appraisal, the Court cannot lose sight of the personal liberty of the individual. When the Revision Petitioner has been confined in prison and the Criminal Revision Petition is not likely to be taken up for final hearing in the near future, the continued incarceration during the pendency of the Revision requires due consideration. If the Revision ultimately results in acquittal or modification of the sentence, the liberty of the individual would have been at stake during the intervening period. In this regard, the decision of the Hon'ble Supreme Court of India in the case of ***Rabi Prakash Vs. 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 Petition, which require detailed appraisal and reappreciation of the evidence on record. This Court is of the prima facie view that the grounds raised by the Revision Petitioner require consideration at the time of final hearing. Further, the Criminal Revision Petition is not likely to be taken up for final disposal in the near future and the **Revision Petitioner is presently confined in prison**. This Court also takes into consideration the fact that the Revision Petitioner has already deposited a sum of Rs.1,20,000/- out of the total cheque amount of Rs.6,75,000/- and has undertaken to deposit a further sum of

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Rs.2,00,000/- within a period of two weeks from the date of her release from prison. The fact that the Revision Petitioner is having a minor child aged about four years is also an additional circumstance which weighs in favour of considering her request. Considering the cumulative effect of the above circumstances, this Court is of the view that the continued incarceration of the Revision Petitioner is not warranted pending disposal of the Criminal Revision Petition. In such circumstances, this Court is inclined to grant the relief of suspension of sentence and bail to the Revision Petitioner, subject to appropriate conditions.

12.Accordingly, pending disposal of the Criminal Revision Case, the sentence imposed on the Revision Petitioner is suspended and she is ordered to be released on bail, subject to the following conditions:

i. The Revision Petitioner is ordered to be released on bail, on her executing a bond before the learned Metropolitan Magistrate, Fast Track-II (Magistrate Level), Egmore, at Allikulam, along with two sureties for a sum of Rs.15,000/- each, to the satisfaction of the learned Magistrate.

ii. The Revision Petitioner shall deposit a further sum of Rs.2,00,000/- (Rupees Two Lakhs only) before the learned Trial Court in S.T.C.No.5320 of 2023, within a period of two weeks from the date of her release from prison. This condition is imposed in view of the specific undertaking given by the Revision

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Petitioner before this Court.

iii. The Revision Petitioner shall produce the original receipt evidencing the deposit of the aforesaid sum of Rs.2,00,000/- before this Court on the next date of hearing.

iv. The Revision Petitioner and the sureties shall affix their photographs and Left Thumb Impressions in the bail bonds. The learned Court concerned may obtain copies of their Aadhaar Cards or Bank Passbooks to ensure their identity.

v. The Revision Petitioner shall appear before the learned Metropolitan Magistrate, Fast Track-II (Magistrate Level), Egmore, at Allikulam, once in every month, i.e., on the 3rd day of every month commencing from the month of December 2026 at 10.30 a.m., until further orders.

vi. The Revision Petitioner shall not misuse the liberty granted to her and shall cooperate with the hearing and disposal of the present Criminal Revision Petition.

vii. On acceptance of the bail bonds and sureties, the learned Trial Court shall transmit photostat copies thereof to this Court for being kept in the records of this Revision.

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

30-10-2026

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

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To
1.The Metropolitan Magistrate, Fast Track-II (Magistrate Level) Egmore.
2.The XXI Addl Sessions Judge, Chennai.
3.The Superintendent of Police, Central Prison Puzhal.

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