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CRL MP No. 9511 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP NO. 9511 OF 2026

in CRL RC No. 1193 of 2026

V.Dharmakannan

..Petitioner(s)

Vs

Ramprasath Tubes and Parts (P) Ltd.,
Rep. by its Marketing Manager,
Mr.Veerapathiran,
Male aged about 63 years,
S/o.Palanisamy,
No.289, Sakthy Road,
Kunnathur Post,
Kovilpalayam via, Coimbatore-641 107.

..Respondent(s)

PRAYER – This Criminal Miscellaneous Petition is filed under Section 430 of BNSS Act, to suspend the sentence imposed on the petitioner/accused in CC.No.387 of 2017 dated 20.08.2024 by the Judicial Magistrate Court No.1, Coimbatore and confirmed in Crl.A.No.236 of 2024 dated 24.04.2026 by the IV Additional District Sessions Court, Coimbatore and to release the petitioner/accused on bail till the disposal of the above criminal revision petition.

For Petitioner(s):

Mr.B.Thirumalai

For Respondent(s):

Mr.Deepak
For Mr.Senthil S



ORDER

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This Criminal Miscellaneous Petition has been filed by the Revision Petitioner, praying to suspend the sentence imposed on him in C.A. No.236 of 2024, by order dated 24.04.2026, by the IV Additional District Sessions Court, Coimbatore, confirming the Judgement of conviction and sentence and order, dated 20.08.2024 made in C.C. No.387 of 2017, by the Judicial Magistrate Court No.1, Coimbatore, till the disposal of the instant Criminal Revision Petition.

2.By the impugned judgement of conviction, sentence and order of the Trial Court, the Revision Petitioner was convicted and sentenced for offences under Section 138 of N.I. Act, to undergo one year simple imprisonment and to pay cheque amount of Rs.12,00,000/- as compensation to the complainant, in default to undergo simple imprisonment for one month.

3.Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has filed the above Crl. RC.No.1193 of 2026, along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail pending disposal of the Criminal Revision.



4. This Court heard Mr.B.Thirumalai, the learned counsel for the Revision Petitioner and Mr.Deepak, learned counsel appearing for the Respondent and considered their submissions and also perused materials placed before this Court.

5. The learned counsel for the Revision Petitioner has submitted that the petitioner and the respondent had business transaction for about 7 years. A complaint was lodged by the respondent alleging that the respondent had supplied rough casting products to the petitioner on credit, for a Rs.26,33,792/-. Towards partial repayment of this amount, the petitioner issued a cheque bearing No.235139 dated 30.07.2016, drawn on TMB Ltd., Maduravoyal Branch, for a sum of Rs.10,00,000/-, in favour of the respondent. When the said cheque was presented for encashment on 27.10.2016, the same was dishonoured as 'insufficient funds'. Subsequently statutory notice was issued and since the cheque amount was not paid, a complaint in C.C.No.387 Of 2017 was filed against the revision petitioner. The Trial Court as well as the I Appellate Court ought to have considered that there was no demand notice as contemplated under Section 138(b) of the Negotiable Instruments Act, issued to the petitioner. The Appellate Court ought to have appreciated the cross-examination of P.W.1 who had admitted during the cross examination that Ex.P5 is not the Demand Notice. There were neither any witnesses examined nor any documents were marked as Exhibits on the side of the petitioner. In the



light of the above infirmities and discrepancies in the evidence of the prosecution witnesses, both the Courts below have failed to consider that the prosecution has not proved its case beyond reasonable doubt. 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 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



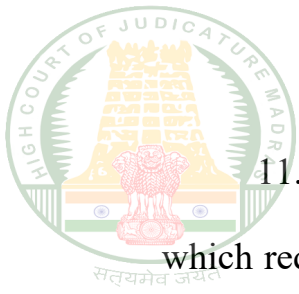
that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in disposal of Revision Petition.

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8.The learned counsel for the Respondent has opposed the argument advanced by the learned counsel for the Revision Petitioner and submits that the judgements passed by the Courts below are as per the law after considering the entire evidences and thus, the relief sought by the Revision Petitioner at this stage, be refused by this Court.

9.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.

10.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.



11. 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.

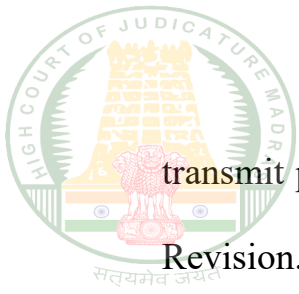
12. Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to Revision Petitioner, namely, V.Dharmakannan, S/o.Vellapalam, on the following conditions:-

(i) The Revision Petitioner shall surrender before the Judicial Magistrate Court – 1, Coimbatore, 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 an 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 Petitioner shall appear before the Judicial Magistrate Court – 1, Coimbatore, once in every month, i.e., on 5th day of every month commencing from the month of August 2026 at 10.30 a.m., until further orders.

(iv) On acceptance of his bail bond and sureties, the Trial Court shall



transmit photostat copies thereof to this Court for being kept on records of this Revision.

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(v) The realization of the fine amount, if any, shall also remain suspended during the pendency of the present Revision.

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

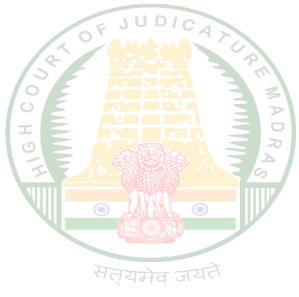
15-07-2026
(1/3)

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

GSA

To

- 1.The Judicial Magistrate Court No.1,
Coimbatore.
- 2.The IV Additional District Sessions Judge,
Coimbatore.
- 3.The Public Prosecutor,
Madras High Court.



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SHAMIM AHMED J.

GSA

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