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CRL MP No. 11141 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-08-2026

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THE HON'BLE MR.JUSTICE SHAMIM AHMED

**CRL MP No. 11141 of 2026
IN CRL RC NO. 1316 OF 2026**

S. Rajagopalan

..Petitioner(s)

Vs

V.S. Enterprises
Rep by its Power Agent Mr.Hemant Mehta,
Old No.12, New No.16 Wallace Garden,
2nd Street,
Thousand Lights,
Chennai.

..Respondent(s)

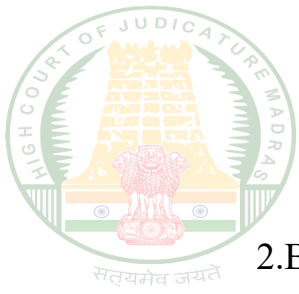
Prayer: To Suspend the sentence imposed upon the petitioner by Judgment dated 30.01.2025 in CC.No.2161 of 2020 passed by the Honourable XXth Metropolitan Magistrate Court, Egmore @ Allikulam, Chennai until disposal of the above Criminal Miscellaneous Petition.

For Petitioner(s): Mr. G.Radhakrishnan

For Respondent(s): Mr.F.John Joseph

ORDER

This Criminal Miscellaneous Petition has been filed by the Revision Petitioner, praying to Suspend the sentence imposed upon the petitioner by Judgment dated 30.01.2025 in CC.No.2161 of 2020 passed by the learned Xxth Metropolitan Magistrate Court, Egmore @ Allikulam, Chennai.



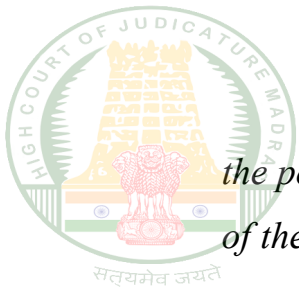
2. By the impugned judgement of conviction and sentence and order of the Trial Court, the Revision Petitioner was convicted for offences under Section 138 of Negotiable Instruments Act and to undergo simple imprisonment for a period of four months and to pay the compensation of Rs.6,00,000/- to the complainant within one month with 6% interest from the date of filing of this complaint to be paid to the respondent within two months, in default, to undergo further 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. On 02.07.2026, this Court passed the following conditional order:

“Learned counsel for the petitioner submits that where the total cheque amount is Rs.6,00,000/-, the petitioner is ready to bring a demand draft of Rs.3,00,000/- drawn in favour of the respondent before this Court within a period of three weeks and prays that his application for suspension of sentence may be considered upon production of the said demand draft.

2. Considering the request made by the learned counsel for



the petitioner, the petitioner is granted three weeks time to bring 50% of the cheque amount before this Court and is directed to produce the same on the next day fixed. If the petitioner produced the deposit receipt on the next date fixed, the application for suspension of sentence(SOS) will be considered by this Court.

3. Put up this case under the caption for admission on 03.08.2026.”

5. Today when the matter is taken up for hearing the learned counsel for the petitioner submitted that pursuant to the order dated 02.07.2026, the petitioner has paid 50% of the fine amount to the respondent. In this regard, he has produced a break up details which was in the additional typed set of papers.

6. The learned counsel for the respondent did not dispute the said fact that the petitioner has already paid a sum of Rs.3,00,000/-

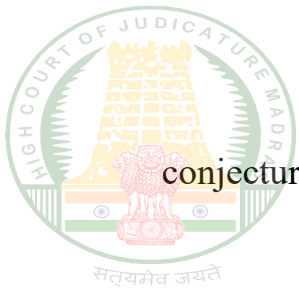
7.This Court heard Mr.G.Radhakrishnan appearing for the learned counsel for the Revision Petitioner and Mr.F.John Joseph, learned counsel appearing for the Respondent and considered their submissions and also perused materials placed before this Court.

8. The learned counsel for the Revision Petitioner has submitted that the petitioner has borrowed a sum of Rs.6,00,000/- from the respondent for his



business needs. The petitioner is alleged to have issued two cheques bearing No.000319 and 000320 dated 09.12.2019 in favour of the respondent towards discharging liability in respect of an agreement dated 09.12.2019 entered into between them. 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.

9. The learned counsel for the petitioner further submitted that the Appellate Court ought to have acquitted the petitioner on the ground that the complainant has not proved his case beyond reasonable doubt that there is a legally enforceable debt involved in this case. The learned Appellate Court has failed to see that the cross examination of the complainant clearly admits that the alleged loan was given to the accused as personal loan in contrary to this in complaint, it was mentioned as Business loan and not mentioned any loan date and interest. The learned Appellate Court failed to see that the cheque given for security purpose was misused by the complainant which was given for the company loan and the company itself winding up as per the order of the NCLT, the petitioner filed by the complainant itself. 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



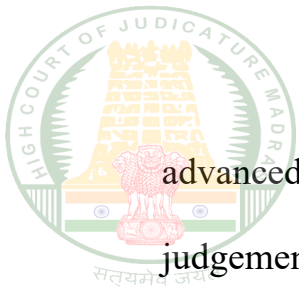
conjectures without considering the entire evidence on record.

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10. 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.

11. 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.

12. 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.

13.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.

14.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.

15.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.

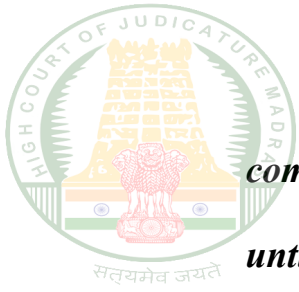
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16. Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to Revision Petitioner, namely, S.Rajagopalan, on the following conditions:-

*“(i) The Revision Petitioner shall surrender before the learned **XX Metropolitan Magistrate Court, Egmore @ Allikulam, Chennai-03** 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), 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 learned **XX Metropolitan Magistrate Court, Egmore @ Allikulam, Chennai-03**, once in every month, i.e., on 5th day of every month*



*commencing from the month of September 2026 at 10.30 a.m.,
until further orders.*

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(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.

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

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

03-08-2026

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Note: issue order copy on 04.08.2026

To

1. The **XX Metropolitan Magistrate Court, Egmore @ Allikulam, Chennai-03**
2. The III Additional Sessions Judge, City Civil Court, Chennai.



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SHAMIM AHMED, J.

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