

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-08-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

**CRL MP No. 11612 of 2026
IN CRL RC NO. 1378 OF 2026**

R.Rajendran
S/o. Ramalingam,
Proprietor of M/s. Hi 5 Smart Store,
No.309 to 312, Rajaji Street,
Cross Cut Road, Gandhipuram,
Coimbatore.

..Petitioner(s)

Vs

1. Public Prosecutor
Coimbatore District Sessions Court
2. M/s. Sri Lakshmi Enterprises
Rep.by its Manager / Authorized Person,
J.Abilash Mahalingam,
S/o. Janarthanan,
No.7/3A, Irumpupalam,
Puliyampara Post,
Gudalur, Nilgiris.

..Respondent(s)

Prayer: To pass an order for suspension of sentence made in CC.No.1055 of 2018 dated 23.11.2023 on the file of the learned Judicial Magistrate FTC Magistrate Level No.II, Coimbatore and confirmed in C.A.No,2 of 2024 dated 06.02.2026 on the file of the learned I Additional District and Sessions Judge, Coimbatore and pending disposal of the above Criminal Revision Petition.

For Petitioner(s): Mr.M.Venkadesh Kumar

For Respondent(s): Mr.M.Dinesh
Government Advocate (Crl. Side) R1
Mr.Mylsamy, for R2



ORDER

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This Criminal Miscellaneous Petition has been filed by the Revision Petitioner/ accused, praying to suspend the sentence of the judgement made in CC.No.1055 of 2018 dated 23.11.2023 on the file of the learned Judicial Magistrate FTC Magistrate Level No.II, Coimbatore and confirmed in C.A.No.2 of 2024 dated 06.02.2026 on the file of the learned I Additional District and Sessions Judge, Coimbatore.

2.By the impugned judgement of conviction and sentence and order of the trial Court, the Revision Petitioner was found guilty for the offences punishable under Section 138 of Negotiable instruments Act. The petitioner was convicted and sentenced to undergo three months simple imprisonment and to pay compensation of Rs.5,90,088/- to the complainant, in default, to undergo simple imprisonment for further period of one month. Challenging the above said judgment, the petitioner has filed criminal appeal before the appellate Court. The lower appellate Court also dismissed the same and confirmed the judgment passed by the learned Trial Court.

3.Challenging the above said judgement of conviction and sentence, the Revision Petitioner has filed the above Crl. RC.No.1378 of 2026, along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and



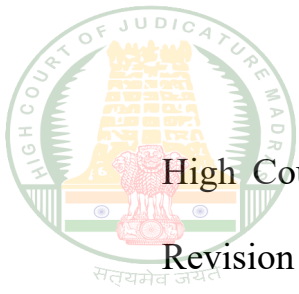
bail pending disposal of the Criminal Revision.

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4.This Court heard Mr.M.Venkadesh Kumar, learned counsel for the Revision Petitioner; Mr.M.Dinesh, learned Government Advocate appearing for the first Respondent/State and Mr.M.Mylsamy, learned counsel appearing for the second respondent and considered their submissions and also perused materials placed before this Court.

5.The learned counsel for the Revision Petitioner has submitted that it has been proved beyond reasonable doubt by the petitioner's side that there is no legally enforceable debt pending for the second respondent as of 25.05.2018, which is the date the second respondent presented the cheque for encashment or before that date. Furthermore, since the second respondent himself admitted that the petitioner paid the sum of Rs.13,50,000/- in 28 transactions from 17.08.2017 to 19.09.2017, before the trial Court. Without discussing the said fact, the trial Court dismissed the case and imposed a sentence on the petitioner. Both the courts below failed to interpret that the second respondent has misused the said cheque to file this case. It was further argued that the judgment passed by the Court 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 case 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 Case.

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.

8. The learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent have 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



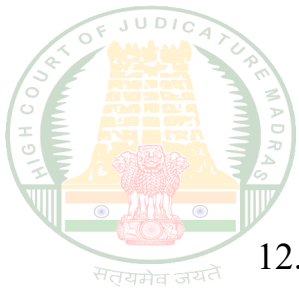
considering the entire evidences and thus, the relief sought by the Revision Petitioner at this stage, be refused by this Court.

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9. Considering the arguments advanced by the learned counsel for the Revision Petitioner as well as the learned counsel for the respondents, this Court is of the view that the appellate 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, **R.Rajendran S/o.Ramalingam**, on the following conditions:-

“(i) The Revision Petitioner shall surrender before the learned Judicial Magistrate, Fast Track Court No.II (Magisterial Level-II), 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 she 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 Judicial Magistrate, Fast Track Court No.II (Magisterial Level-II), Coimbatore, first working day of every month commencing from the month of September 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.

05-08-2026

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Note to office: Issue order copy on 05.08.2026

To

1. The Judicial Magistrate, Fast Track Court No.II

(Magisterial Level-II), Coimbatore.

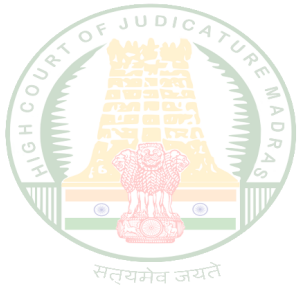
2. The I Additional District Judge, Coimbatore.

3.The Public Prosecutor,

Coimbatore District Sessions Court, Coimbatore.

4 The Public Prosecutor,

High Court of Madras.



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SHAMIM AHMED, J.

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