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CRL MP No. 1904 of 2



COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

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THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 1904 of 2026

IN

CRL RC NO. 265 OF 2026

Selvam
S/o.Jaganathan,
East Street,
Nathavelli Village,
Ariyalur Taluk,
Ariyalur District.

..Petitioner(s)

Vs

The Inspector of Police
Vikkiramangalam Police Station,
Ariyalur District.
Crime No. 109/2018.

..Respondent(s)

Prayer: To suspend the sentence passed in Criminal Appeal No. 13/2023 dt. 04.12.2025 by the Principal District and Sessions Judge, Ariyalur and by confirming the order passed in S.C.No. 27/2021 dt. 28.03.2023 by the Assistant Sessions Judge, Jeyamkondam and enlarge him on bail, pending disposal of the Criminal Revision petition and thus render justice.

For Petitioner(s):	Mr.B.Hari Raaj for M/s.K.Gandhi Kumar
For Respondent(s):	Mr.M.M.I.Khaleel, Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the



Revision Petitioner, praying to suspend the sentence passed in Criminal Appeal No. 13 of 2023 dated 04.12.2025 by the Principal District and Sessions Judge, Ariyalur and by confirming the order passed in S.C.No. 27 of 2021 dated 28.03.2023 by the Assistant Sessions Judge, Jeyamkondam and enlarge him on bail, pending disposal of the Criminal Revision petition.

2. By the impugned judgement of conviction and sentence and order of the Trial Court, the Revision Petitioner was convicted and sentenced for the offence as follows:

Petitioner	Conviction	Sentence
Sole Accused	Under Section 307 IPC	To undergo simple imprisonment for a period of two years and to pay the compensation of Rs.500/- in default, to undergo one month Simple Imprisonment.

3. Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has filed the above Crl.RC.No.265 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.Hariraaj appearing for Mr.K.Gandhikumar, learned counsel for the Revision Petitioner and Mr.M.M.I.Khaleel, learned Government Advocate and considered the submissions and also perused



materials placed before this Court.

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5. The case of the prosecution is that the defacto complainant is father of the accused, who is the petitioner herein. There was a dispute between the revision petitioner and his father with regard to partition of properties. The petitioner/accused has two wives and they went to their parents house due to the quarrel with the petitioner/accused. On 08.05.2018 when both the wives of the petitioner returned to the petitioner/accused house, the defacto complainant was speaking with them at his motor shed at 21.00 hours, the petitioner/accused came from behind the motor shed by scolding with filthy language and assaulted the defacto complainant with Aruval on his face and threatened to kill him. Therefore, the petitioner/accused was charged for the offence under Section 294(b), 307 and 506(ii) IPC.

6. The learned counsel for the Revision Petitioner has submitted that the Trial Court failed to consider that PW1 is the defacto complainant and PW2 is the younger son and the two other witnesses PW3 and PW4 are the neighbouring land owners who benefit from PW1 i.e. PW3 and PW4 are the interested witnesses, because they get water source from PW1 for their irrigation purpose. Hence, they were projected as an eye witnesses. Therefore, the petitioner is entitled for an acquittal. The Trial Court failed to



consider that the main material evidence to prove the occurrence of injury sustained by the victim was an Aruval. The said Aruval was not recovered by the prosecution in order to prove that the petitioner caused the injury through the said Aruval to the victim. Hence, the trial court and the lower appellate Court's judgment is liable to be set aside.

7. It was further argued that the learned Trial Court as well as appellate Court also failed to notice the discrepancies in the deposition of witnesses and the crystal part of the evidences that was not at all assessed by both the Courts below. 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.

8. 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 the petitioner is now confined in jail and 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 has prayed for suspension of sentence and bail, till the disposal of this Criminal Revision Petition.

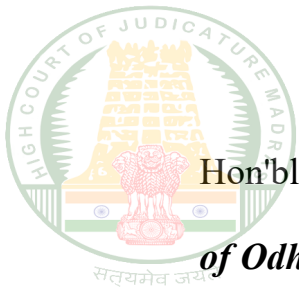


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9. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision Petitioner have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of 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 undertakes that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in disposal of Revision.

10. Considering the arguments advanced by the learned counsel for the Revision Petitioner, 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 place before it and during the Trial the Revision Petitioner was also on bail **and now the petitioner is in jail.**

11. Further, it is observed that when the accused have 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.

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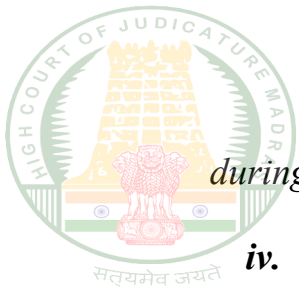
12. The Revision Petitioner has raised substantial grounds in the Revision, which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future and the petitioner has been now confined in prison. In such view of the matter, this Court is of the view that the Revision Petitioner is entitled to the relief of suspension of sentence and bail.

13. Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to Revision Petitioner, namely, **Selvam, S/o.Jaganathan** on the following conditions:-

“ i. The Revision Petitioner is ordered to be released on bail, on his executing a bond before the learned Assistant Sessions Judge, Jayamkondam along with two sureties for a sum of Rs.15,000/- each, subject to furnishing 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 realization of fine amount, if any, shall also remain suspended



during the pendency of the present Revision.

iv. The Petitioner shall appear before the learned Assistant Sessions Judge, Jayamkondam, on first working day of every month, commencing from the month of August 2026 at 10.30 a.m., until further orders.

v. On acceptance of his bail bonds and sureties, the Trial Court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.’’

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

14-07-2026

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Note to Office: Issue order copy on 16.07.2026

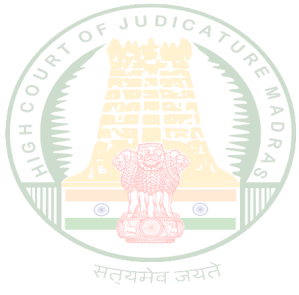
To

1. The Inspector of Police
Vikkiramangalam Police Station,
Ariyalur District.

2. The Assistant Sessions Judge,
Jayamkondam.

3. The Superintendent of Police,
Central Prison, Trichy.

4. The Public Prosecutor
High Court of Madras.



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SHAMIM AHMED, J.

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