



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP NO. 12463 OF 2026
in CRL RC No. 1450 of 2026

Vigneshwaran

..Petitioner(s)

Vs

The State Represented by
The Sub Inspector of Police
J-13, Tharamani Police Station,
Poonachi Village,
Tharamani, Chennai.

..Respondent(s)

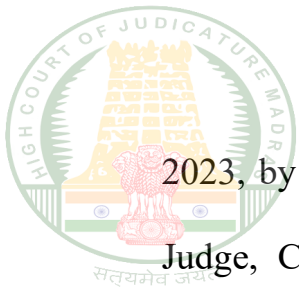
PRAYER – This Criminal Miscellaneous Petition is filed under Section 430 of BNSS Act, to Suspend the Sentence dated 13.03.2026 passed in Crl.A.No.722 of 2023 on the file of Honourable VII Additional District and Sessions Judge, Chennai rendered in Appeal against the Judgment dated 03.03.2023 passed in C.C.No.3409 of 2022 on the file of the Learned XVIII Metropolitan Magistrate, Saidapet, Chennai and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.

For Petitioner(s): Mr.Venkat.S

For Respondent(s): Mr.M.M.Khaleel
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the Revision Petitioner, praying to suspend the sentence imposed on him in C.A. No.722 of



2023, by order dated 13.03.2026, by the VII Additional District and Sessions Judge, Chennai, confirming the Judgement of conviction and sentence and order, dated 03.03.2023 made in C.C. No.3409 of 2022, by the XVIII Metropolitan Magistrate, Saidapet, Chennai, 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 392 of I.P.C., to undergo two years rigorous imprisonment and to pay a sum of Rs.5,000/- as fine, in default to undergo simple imprisonment for three months.

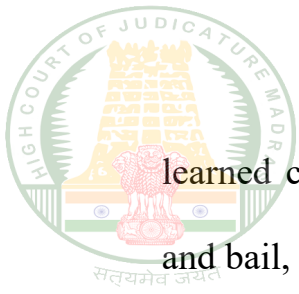
3.Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has filed the above Crl. RC.No.1450 of 2026, along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail pending disposal of the Criminal Revision.

4.This Court heard Mr.S.Venkat, the learned counsel for the Revision Petitioner and Mr.M.M.I.Khaleel, learned Government Advocate 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 prosecution has put up a case as against the petitioner stating that the petitioner had snatched a cellphone from the defacto complainant while the defacto complainant was waiting at a bus stop near Taramani Apollo Hospital and sped away in the motorcycle driven by a child in conflict of law. They were caught by the public and handed over to the Police, where the cellphone was recovered from the petitioner. The learned counsel for the petitioner pleaded that the petitioner is a young first-time offender and he has no previous criminal antecedents. The Trial Court ought to have considered the possibility of reformatory justice while determining the sentence. The Appellate Court also erred in mechanically affirming the sentence imposed by the Trial Court without independently considering the mitigating circumstances placed on record by the petitioner. The Appellate Court failed to consider that the alleged stolen mobile phone was recovered immediately and the accused was apprehended at the spot itself, as a result of which no permanent loss was caused to the complainant.

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



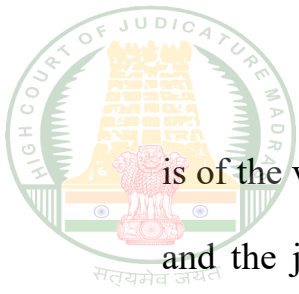
learned counsel for the Revision Petitioner prayed for suspension of sentence and bail, till the disposal of this Criminal Revision Petition.

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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.

8. The learned Government Advocate 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, Vigneshwaran, S/o. Narayanan, on the following conditions:-

(i) The Revision Petitioner shall surrender before the XVIII Metropolitan



Magistrate, Saidapet, 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 XVIII Metropolitan Magistrate, Saidapet, 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.

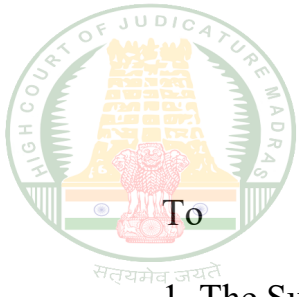
(iv) On acceptance of his bail bond and sureties, the Trial Court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.

(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.

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

16-07-2026
(1/3)



To

1. The Sub Inspector of Police
J-13, Tharamani Police Station,
Poonachi Village,
Tharamani, Chennai.

2. The Public Prosecutor,
Madras High Court.

3. The VII Additional District and Sessions Judge,
Chennai.

4. The XVIII Metropolitan Magistrate,
Saidapet, Chennai.



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CRL MP No.12463 of 2



SHAMIM AHMED J.

GSA

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(1/3)**