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CRL MP No. 12518 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 12518 of 2026

IN

CRL RC NO. 1462 OF 2026

Sakthivel
S/o Subramani,
Kannikottai,
Nagapadi Village,
Chengam Taluk,
Tiruvannamalai.

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
Pudhupalayam Police Station,
Tiruvannamalai.
Crime No.210 of 2019

..Respondent(s)

Prayer: To suspend the execution of sentence imposed on the petitioners by the impugned order of conviction and sentence passed by the Learned Additional District Sessions Judge, Tiruvannamalai in Crl.A.No.5 of 2024 dated 24.06.2026 to modified the sentence of the order passed by the learned Judicial Magistrate, Chengam in CC.No.14 of 2021 dated 07.12.2023 and enlarge the petitioner on bail pending disposal of the above Revision.

For Petitioner(s):

Mr.Sathiyaraj E.

For Respondent(s):

Mr.M.M.I.Khaleel, Government Advocate
(Criminal Side)



ORDER

This Criminal Miscellaneous Petition has been filed by the Revision Petitioner, praying to suspend the sentence imposed on the Revision Petitioner in Crl.A.No.5 of 2024, dated 24.06.2026, by the learned Additional District and Sessions Judge, Tiruvannamalai, confirming the judgment of conviction and sentence passed in C.C.No.14 of 2021, dated 07.12.2023, by the learned Judicial Magistrate, Chengam, and to enlarge him on bail pending disposal of the above Criminal Revision Petition.

2.By the impugned judgment of conviction and sentence passed by the Trial Court, the Revision Petitioner was convicted for the offence punishable under Section 325 of IPC and sentenced to undergo Simple Imprisonment for a period of six months. The said conviction and sentence was confirmed by the lower Appellate Court in Crl.A.No.5 of 2024, dated 24.06.2026.

3.Challenging the said judgment of conviction and sentence, the Revision Petitioner has filed the above Criminal Revision Petition along with the present Criminal Miscellaneous Petition seeking suspension of sentence and bail pending disposal of the Criminal Revision Petition.

4.This Court heard Mr.E.Sathiyaraj, learned counsel appearing for the Revision Petitioner and Mr.M.M.I.Khaleel, learned Government Advocate



(Criminal Side) appearing for the Respondent and perused the materials available on record.

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6.The prosecution case is that the accused/Revision Petitioner unlawfully assaulted the de facto complainant, causing grievous injuries, including the loss of two teeth. Based on the complaint lodged by PW1, a case was registered, investigated, and a final report was filed before the learned Judicial Magistrate, Chengam. During trial, the prosecution examined PW1, the injured witness, along with other witnesses and marked the relevant documents and medical records in support of its case. Relying on the oral and documentary evidence, the Trial Court found that the prosecution had proved beyond reasonable doubt that the accused had voluntarily caused grievous hurt to the victim and consequently convicted him for the offence punishable under Section 325 IPC, sentencing him to undergo Simple Imprisonment for six months. The conviction and sentence were subsequently confirmed by the learned Additional District and Sessions Judge, Tiruvannamalai, in Criminal Appeal No.5 of 2024.

7.The learned counsel for the Revision Petitioner submitted that the Courts below have failed to properly appreciate the evidence available on record. It is submitted that PW2 and PW3 admittedly are not eyewitnesses to the occurrence and their evidence is only based upon information allegedly received from PW1. It is further submitted that though PW1 had stated that certain persons

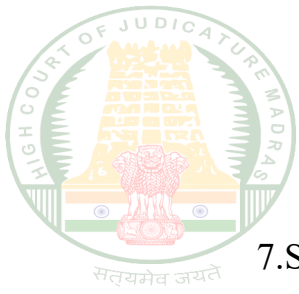


witnessed the alleged occurrence, none of the said independent eyewitnesses were examined by the prosecution.

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8.The learned counsel further submitted that the Courts below failed to consider that the material Investigating Officer, who completed the investigation and filed the final report, was not examined before the Trial Court. It is also submitted that there are serious contradictions and improvements in the evidence of PW1, particularly regarding the alleged loss of two teeth, which was not mentioned either in the complaint or in the FIR and was introduced only during the course of trial. It is further submitted that the alleged broken teeth were neither recovered nor produced before the Court and no dental surgeon, X-ray report, scan report or expert medical opinion was produced to establish the alleged grievous injury. Therefore, the conviction under Section 325 IPC is legally unsustainable.

9.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 has 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 erroneous conclusion of criminal negligence 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.

8. The learned Government Advocate (Criminal Side) 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 evidence and thus, the relief sought by the Revision Petitioner, at this stage, be refused by this Court.

9. Considering the submissions made by the learned counsel for the Revision Petitioner as well as the learned Government Advocate (Criminal Side) for the Respondent, this Court is of the view that the Revision Petitioner has raised arguable points in the Revision Petition, particularly with regard to the



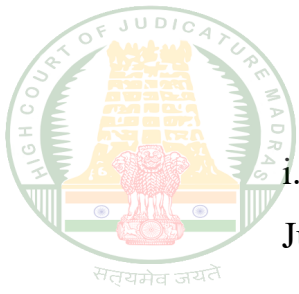
appreciation of evidence of the alleged eyewitnesses, contradictions in the prosecution case and the proof of grievous injury. It is also noted that the

Revision Petitioner was not stated to be involved in any other criminal case and he was not in custody during the pendency of the trial and appeal. The sentence imposed upon the Revision Petitioner is for a period of six months.

10. Further, when the accused has undergone the ordeal of trial and appeal and when the Revision Petition raises substantial grounds requiring detailed consideration, the liberty of the individual requires to be protected pending final adjudication of the Revision Petition. The Hon'ble Supreme Court in ***Rabi Prakash Vs. The State of Odisha reported in 2023 Live Law (SC) 533*** has observed the importance of considering suspension of sentence when there are arguable points in favour of the accused.

11. Considering the facts and circumstances of the case and the nature of sentence imposed, this Court is inclined to grant suspension of sentence and bail to the Revision Petitioner pending disposal of the Criminal Revision Petition.

12. Accordingly, pending disposal of the Criminal Revision Petition, the execution of sentence imposed on the Revision Petitioner is suspended and the Revision Petitioner is ordered to be released on bail on the following conditions:-



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i. The Revision Petitioner shall surrender before the learned Judicial Magistrate, Chengam, Tiruvannamalai District, within a period of three weeks from the date of receipt of a copy of this order and on such surrender, he shall be released on bail on his executing a personal bond for a sum of Rs.15,000/- (Rupees fifteen thousand only) with two sureties each for a like sum, to the satisfaction of the learned Judicial Magistrate, Chengam.

ii. The Revision Petitioner and the sureties shall affix their photographs and Left Thumb Impression in the bail bond and the learned Judicial Magistrate shall obtain a copy of their Aadhaar Card or Bank Pass Book to ensure their identity.

iii. The realization of fine amount, if any, shall remain suspended during the pendency of the present Criminal Revision Petition.

iv. The Revision Petitioner shall appear before the learned Judicial Magistrate, Chengam, Tiruvannamalai District, once in every month, i.e., on the 3rd day of every month at 10.30 a.m., commencing from the month of July 2026, until further orders.

v. On acceptance of the bail bonds and sureties, the learned Judicial Magistrate, Chengam, shall transmit the photostat copies of the same to this Court to be kept in the records of this Criminal Revision Petition.



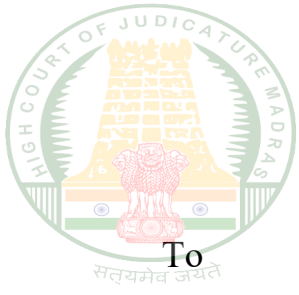
13. With the above directions, this Criminal Miscellaneous Petition is
ordered.

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21-07-2026

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

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To

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1. The Inspector of Police,
Pudhupalayam Police Station,
Tiruvannamalai.
2. The Additional District Sessions Judge, Tiruvannamalai.
3. The learned Judicial Magistrate, Chengam.



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SHAMIM AHMED, J.

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