



Crl.MP(MD)No.1590 of 2025:

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.MP(MD)Nos.1590 and 1591 of 2025

in

Crl.RC.(MD)Nos.156 and 157 of 2025

Crl.MP(MD)No.1590 of 2025:

Mythili,
W/o.Ravichandran,
Rajaganapathy Street,
Radha Nagar,
Chromepet,
Chennai.

... Petitioner

Vs.

State of Tamil Nadu,
Represented by the,
Inspector of Police,
District Crime Branch,
Thanjavur.
(Crime No.5 of 2018)

... Respondent

Prayer : This Criminal Miscellaneous Petition filed under Section 438(1) of B.N.S.S. praying to suspend the Sentence imposed by the learned II Additional District and Sessions Judge, Thanjavur made in Criminal Appeal No.24 of 2024 dated 24.09.2024 confirming the conviction and sentence imposed by the learned Judicial Magistrate Court, Thiruvaiyaru in C.C.No.2 of 2021 dated 12.09.2023 pending disposal of this Criminal Revision and release the Petitioner on bail.

For Petitioner	:	Mr.O.R.Gokul Abimanyu
For Respondent	:	Mr.M.Karunanithi
		Government Advocate (Criminal Side)



Crl.MP(MD)No.1590 of 2025:

Crl.MP(MD)No.1591 of 2025:

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Prayer : This Criminal Miscellaneous Petition filed under Section 438(1) of B.N.S.S. praying to suspend the Sentence imposed by the learned II Additional District and Sessions Judge, Thanjavur made in Criminal Appeal No.25 of 2024 dated 24.09.2024 confirming the conviction and sentence imposed by the learned Judicial Magistrate Court, Thiruvaiyaru in C.C.No.1 of 2021 dated 12.09.2023 pending disposal of this Criminal Revision and release the Petitioner on bail.

For Petitioner	:	Mr.O.R.Gokul Abimanyu
For Respondent	:	Mr.M.Karunanithi Government Advocate (Criminal Side)



Crl.MP(MD)No.1590 of 2025:

COMMON ORDER

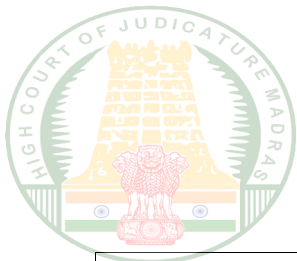
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The Criminal Miscellaneous Petition in Crl.M.P(MD)No.1590 of 2025 has been preferred seeking to suspend the sentence imposed upon the Petitioner, by the learned II Additional District and Sessions Judge, Thanjavur made in Criminal Appeal No.24 of 2024 dated 24.09.2024 confirming the conviction and sentence imposed by the learned Judicial Magistrate Court, Thiruvaiyaru in C.C.No.2 of 2021 dated 12.09.2023.

2. The Criminal Miscellaneous Petition in Crl.M.P(MD)No.1591 of 2025 has been preferred seeking to suspend the sentence imposed upon the Petitioner, by the learned II Additional District and Sessions Judge, Thanjavur made in Criminal Appeal No.25 of 2024 dated 24.09.2024 confirming the conviction and sentence imposed by the learned Judicial Magistrate Court, Thiruvaiyaru in C.C.No.1 of 2021 dated 12.09.2023.

3. Heard Mr.O.R.Gokul Abimanyu, learned counsel for the Petitioner and Mr.M.Karunanithi, learned Government Advocate (Criminal Side), who accepts notice on behalf of the Respondent.

4. The Petitioner, who was the 2nd accused in C.C.No.2 of 2021 was convicted and sentenced by the trial Court as follows:



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Petitioner's Rank	Provision under which convicted	Sentence
2 nd Accused	U/s.409, 420 and 120(B) of IPC	For each of the offence, To undergo 3 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment.

The judgment of conviction and sentence imposed on the Petitioner by the trial Court was confirmed by the learned II Additional District and Sessions Judge, Thanjavur made in Criminal Appeal No.24 of 2024 dated 24.09.2024. Challenging the above conviction and sentence, the Petitioner has filed Criminal Revision Petition in Crl.RC(MD)No.156 of 2025 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

5. The Petitioner, who was the 2nd accused in C.C.No.1 of 2021 was convicted and sentenced by the trial Court as follows:

Petitioner's Rank	Provision under which convicted	Sentence
Sole Accused	U/s.409, 420 and 120(B) of IPC	To undergo 1 year simple imprisonment and to pay the sum of Rs.1,25,000/- as compensation to the Respondent/Complainant, in default, to undergo three months simple imprisonment

The judgment of conviction and sentence imposed on the Petitioner by the trial court was confirmed by the learned II Additional District and Sessions Judge, Thanjavur made in Criminal Appeal No.25 of 2024 dated 24.09.2024. Challenging



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the above conviction and sentence, the Petitioner has filed the Criminal Revision
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Petition in Crl.RC(MD)No.157 of 2025 along with the instant miscellaneous petition,
seeking suspension of sentence and bail.

6. Mr.O.R.Gokul Abimanyu, learned counsel for the petitioner submits that both the Trial Court and the Lower Appellate Court failed to note that though the complainant has preferred a complaint and an FIR was registered, two final reports were filed by the prosecution and two trials were conducted and there is no reason for the Respondent to file two final reports for the same offence and the Petitioner was convicted by the Trial Court for the same offence which had led to double jeopardy. The Trial Court as well as the Appellate Court failed to take note of the evidence of P.W.1, Karthikeyan that there is no document on record, to prove that the Petitioner herein is entitled to maintain the cheques, cash registers and other such documents and he also admitted in his evidence that there is no role for the Petitioner herein in disbursing the amount under Dr.Muthulakshmi Reddy Maternity Benefit Scheme.

7. The learned counsel for the Petitioner further submits that both the Courts failed to note that the Petitioner herein neither signed the cheque nor encashed them. The only allegation against the Petitioner is that she was the custodian of the cheques, cash registers etc., and no entries were made by her during the occurrence

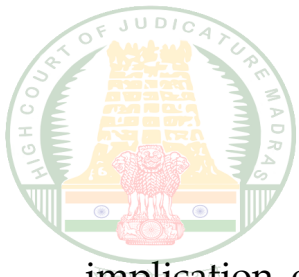


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period. Even though the case of the prosecution is accepted, this would only lead to dereliction of duty, that would warrant departmental action and will not attract the provisions of IPC. In view of the above, it was argued that the conviction recorded by both the Courts is legally unsustainable. It was further argued that the learned Trial Court as well as the Appellate Court also failed to notice the discrepancies in the deposition of witnesses and the crystal part of the evidences 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 was 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. He further submits that there are arguable points in this Revision and the petitioner has fair chance of success in these Criminal Revision Petitions. Thus, he prayed for suspension of sentence in respect of the Petitioner and be released on bail, till the disposal of these Criminal Revision Petitions as the Petitioner was already granted bail during trial.

9. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision petitioner have also been placed forth before this Court. The circumstances which, according to the counsel, led to the false



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implication of the accused have also been touched upon at length. It has been assured on behalf of the revision petitioner that she is ready to cooperate with the process of law and shall faithfully make herself available before the Court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon her. The revision petitioner undertakes that, in case, she is released on bail, she will not misuse the liberty of bail and will cooperate in disposal of revision.

10. Learned Government Advocate (Criminal Side) appearing for the Respondent has opposed the arguments as advanced by the learned counsel for the Revision Petitioner and submits that the judgments passed by both the Courts are as per law after considering the entire evidence, thus the relief sought by the Revision Petitioner at this stage be refused by this Court.

11. At this juncture, the learned counsel for the Petitioner submits that the co-accused namely, Accused No.3 was granted bail by the Co-ordinate Bench of this Court vide order dated 18.08.2025 in Crl.MP(MD)No.2168 of 2025 and he also produced a copy of the order dated 18.08.2025 in Crl.MP(MD)No.2168 of 2025 before this Court and the same is taken on record. He prays that this Court may grant bail to the 2nd Accused/Petitioner herein.

12. Considering the arguments as advanced by the learned counsel for the



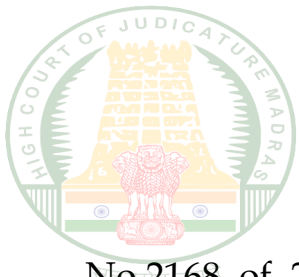
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petitioner as well as the learned Government Advocate (Criminal Side) for the
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Respondent and after perusal of the order passed by the Co-ordinate Bench of this
Court dated 18.08.2025 in Crl.MP(MD)No.2168 of 2025, 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 trial the Revision petitioner was also on bail.

13. Further, it is observed that when the accused has 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.

14. The 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.

15. Accordingly, in view of the relief of suspension of sentence granted to the
3rd Accused by the Co-ordinate Bench of this Court dated 18.08.2025 in Crl.MP(MD)



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No.2168 of 2025, the relief of suspension of sentence and bail is granted to the
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present Revision Petitioner in Crl.MP(MD)Nos.1590 and 1591 of 2025, namely
Mythili, W/o.Ravichandran, in both the cases on the following conditions:

- (i) The Revision petitioner shall surrender before the Learned Judicial Magistrate, Thiruvaiyaru within three weeks from today and on such surrender, the revision petitioner is ordered to be released on bail on her executing a personal bond along with two sureties for a sum of Rs.15,000/- each subject to furnishing 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; and;
- (iii) The realization of fine, if any, shall also remain suspended during the pendency of the present Revision.
- (iv) The petitioner shall appear before the learned Judicial Magistrate, Thiruvaiyaru, once in every month, ie., on the first working day, commencing from the month of October, 2025 at 10.30 a.m., until further orders.

16. On acceptance of her bail bonds and sureties, the learned trial court shall

transmit photostat copies thereof to this Court for being kept on records of these

<https://www.mhc.tn.gov.in/judis>



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Revisions.

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17. With the above directions, these Criminal Miscellaneous Petitions are ordered.

sd/-
12/09/2025

/ TRUE COPY /

/09/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

nsr

TO

- 1.The II Additional District and Sessions Judge, Thanjavur.
- 2.The Judicial Magistrate, Thiruvaiyaru.
- 3.The Inspector of Police,
District Crime Branch,
Thanjavur.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL MP(MD) No.1590 and 1591 of 2025
IN
CRL RC(MD) No.156 and 157 of 2025
Date :12/09/2025

SBN/16.09.2025 10P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023
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