



Crl.MP(MD)No.6951 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.11.2025**

CORAM

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

Crl.MP(MD)No.6951 of 2025

in

Crl.RC.(MD)No.626 of 2025

R.Keralakumar @ Paramadurai,
S/o.Raja,
Paramadevanpatti,
Vaikkalpatti,
Uthamapalayam,
Theni District.

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by,
The Inspector of Police,
Theni Police Station,
Theni District.
(Crime No.413 of 2013)

... Respondent

Prayer : This Criminal Miscellaneous Petition filed under Section 438(1) of B.N.S.S. praying to suspend the conviction and sentence imposed upon the Revision Petitioner vide judgment dated 08.04.2025 made in C.A.No.69 of 2023, on the file of the Additional District (FTC),



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Theni, whereby confirmed the judgment dated 21.04.2023, made in S.C.No.28 of 2016, on the file of the Assistant Sessions Judge, Theni, pending disposal of the Criminal Revision Petition.

For Petitioner	:	Mr.K.P.S.Palanivelrajan Senior Counsel, Assisted by, Mr.M.Ramesh
For Respondent	:	Mr.A.S.Abul Kalam Azad Government Advocate

ORDER

Heard Mr.K.P.S.Palanivelrajan, learned Senior Counsel, assisted by Mr.M.Ramesh, learned Counsel, appearing for the Revision Petitioner and Mr.A.S.Abul Kalam Azad, learned Government Advocate, who accepts notice on behalf of the Respondent.

2. This Criminal Miscellaneous Petition has been preferred, praying to suspend the sentence imposed upon the Revision Petitioner by the learned Assistant Sessions Judge, Theni, in S.C.No.28 of 2016, dated 21.04.2023, confirmed by the learned Additional District (FTC), Theni in Criminal Appeal No.69 of 2023, dated 08.04.2025.



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3. In S.C.No.28 of 2016, by the impugned judgment, dated 21.04.2023, the Trial Court has convicted and sentenced the Revision Petitioner for the following offences:

- (i) for the offence punishable under Section 392 r/w 397 of the Indian Penal Code, 1860, the Revision Petitioner has to undergo seven years rigorous imprisonment and to pay a fine of Rs.2000/-, in default, to undergo six months simple imprisonment;
- (ii) for the offence punishable under Sections 27 r/w 28 of Indian Arms Act IPC, the Revision Petitioner has to undergo five years rigorous imprisonment and to pay a fine of Rs.2000/-, in default, to undergo six months simple imprisonment; and
- (iii) or the offence punishable under Sections 27 r/w 28 of Indian Arms Act IPC, the Revision Petitioner has to undergo five years rigorous imprisonment and to pay a fine of Rs.2000/-, in default, to undergo six months simple imprisonment.



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4. As against the order passed by the Trial Court dated 21.04.2023, the Revision Petitioner filed Criminal Appeal No.69 of 2023, before the learned Additional District Court (FTC), Theni and the lower Appellate Court vide order dated 08.04.2025, dismissed the appeal confirming the judgment passed by the Trial Court. Challenging the above conviction and sentence, the petitioner has filed Criminal Revision Petition in Crl.RC(MD)No.626 of 2025 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

5. Mr.K.P.S.Palanivelrajan, learned Senior Counsel, assisted by Mr.M.Ramesh, learned Counsel, appearing for the Revision Petitioner submitted that totally false allegations were levelled against the Revision Petitioner. Without considering the contradictions in the statements of PW1-Nagapandian (De-complainant), PW2-Parveen (Salesman), PW3-Salesman, PW8-Homeguard, and PW12-Asaithambi (Salesman), both the Courts below convicted the Revision Petitioner based on surmises and conjectures.



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6. The learned Counsel for the Revision Petitioner further argued that the recovery was falsely made against the Revision Petitioner to aggravate the offenses. It was also submitted that the Revision Petitioner was on bail during the trial, as stated in paragraph no. 7 of the affidavit filed in support of this petition.

7. It was also argued that the Revision Petitioner is a permanent resident and will not abscond till the disposal of the Revision Petition; he will cooperate till the disposal of the Revision Petition. Both the Trial Court and the Lower Appellate Court arrived at their conclusions without appreciating the entire materials placed on record and hence, the conviction recorded by the Trial Court is legally unsustainable, as it was passed by both the courts below on surmises and conjectures.

8. The learned Senior Counsel for the Revision Petitioner further submitted that the Revision Petitioner has paid the fine amount as per the order passed by the Trial Court. As the Revision Petitioner is confined in



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jail since 04.08.2025, the relief of suspension of sentence and bail may be granted, as failure to do so would cause great hardship to the Revision Petitioner. The Revision Petitioner is ready to comply with all conditions imposed by this Court.

9. 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 Revision Petitioner has fair chance of success in this Criminal Revision Case. Thus, he prayed for suspension of sentence and be released on bail, till the disposal of this Criminal Revision Petition.

10. 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



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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 co-operate in disposal of revision.

11. Learned Government Advocate (Criminal Side) appearing for the Respondent has opposed the argument 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.

12. Considering the arguments advanced by the learned Senior Counsel for the Revision Petitioner as well as the learned Government



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Advocate (criminal side), 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 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.

14. The Revision Petitioner has raised substantial grounds in the Revision which requires detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this



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Court is of the view that the Revision petitioner is entitled to the relief of suspension of sentence and bail.

15. Accordingly, the relief of suspension of sentence and bail is granted to Revision Petitioner namely R.Keralakumar @ Paramadurai, S/o.Raja, on the following conditions:

- (i) 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.30,000/- each, before the Assistant Sessions Court/Judge, Theni, 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; and;
- (iii) The realization of fine, if any, shall also remain suspended during the pendency of the present Revision.



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- (iv) The Revision Petitioner shall appear before the learned Assistant Sessions Judge/Court, Theni once in every month, ie., on the first working day, commencing from the month of December 2025, at 10.30 a.m., until further orders.

16. On acceptance of his bail bonds and sureties, the learned trial court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.

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

06.11.2025

Nsr



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Note: Issue Order Copy on 07.11.2025.

To:

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- 1.The Additional District (FTC), Theni.
- 2.The Assistant Sessions Judge, Theni.
- 3.The Inspector of Police,
Theni Police Station, Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SHAMIM AHMED, J.

Nsr

Order made in
CrI.MP(MD)No.6951 of 2025
in
CrI.RC.(MD)No.626 of 2025

Dated: 06.11.2025