



CRL.R.C.(MD)No.755 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.11.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.R.C.(MD)No.755 of 2025

Dinesh,
S/o. Karunakaran,
Ambedkar Nagar,
Koothanallur, Yeravancheri,
Thiruvavarur District.

... Petitioner

VS.

The State of Tamil Nadu,
Rep by The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
(Crime No.639 of 2022)

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records relating to the order, dated 15.11.2024 made in Cr.M.P.No.8015 of 2024 in C.A.No.199 of 2024 on the file of the learned Principal Sessions Judge, Thanjavur, Thanjavur District and to set aside the same as illegal and consequently, pleaded to suspend the sentence of imprisonment and sentence imposed in C.C.No. 248 of 2022 on the file of the Judicial Magistrate No.1, Kumbakonam,

1/13



CRL.R.C.(MD)No.755 of 2025

Thanjavur District, dated 09.11.2023 pending disposal of the Criminal Appeal in C.A.No.199 of 2024 on the file of the learned Principal Sessions Judge, Thanjavur, Thanjavur District.

For Petitioner :Mr.S.Sathyachidambaram

For Respondent :Mr.M.Karunanithi
Government Advocate (Crl.side)

ORDER

The present Criminal Revision Case has been filed to set aside the order, 15.11.2024 made in Cr.M.P.No.8015 of 2024 in C.A.No.199 of 2024 on the file of the learned Principal Sessions Judge, Thanjavur, Thanjavur District and for a consequential direction to suspend the sentence of imprisonment imposed in C.C.No.248 of 2022 on the file of the Judicial Magistrate No.1, Kumbakonam, Thanjavur District, dated 09.11.2023 pending disposal of the Criminal Appeal in C.A.No.199 of 2024 on the file of the learned Principal Sessions Judge, Thanjavur, Thanjavur District.



CRL.R.C.(MD)No.755 of 2025

WEB COPY

2.Heard Mr.S.Sathyachidambaram, learned Counsel for the Revision Petitioner and Mr.M.Karunanithi, learned Government Advocate (Crl.side) for the respondent.

3.The facts of case, in a nutshell, led to filing of this Petition and necessary for disposal of same, are as follows:-

a) On 08.08.2022, at about 08.30 pm, when the defacto complainant, way back to home along with her husband in bike, the Revision Petitioner along with other accused snatched her chain. Hence, an FIR came to be registered in Cr.No.639 of 2022 for the offence under Section 392 IPC by the respondent Police. After investigation, the respondent Police has filed a final report, which was taken cognizance by the learned Judicial Magistrate No.1, Kumbakonam, Thanjavur District, in C.C.No.248 of 2022.

b) The learned Judicial Magistrate No.1, Kumbakonam, Thanjavur District, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides convicted the Revision

3/13



CRL.R.C.(MD)No.755 of 2025

Petitioner, vide judgment and order, dated 09.11.2023 under Section 392 IPC and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo nine months simple imprisonment. Challenging the judgment and order, dated 09.11.2023, the Revision Petitioner had preferred an appeal in C.A.No.199 of 2024 before the Principal Sessions Court, Thanjavur, Thanjavur District along with an application for suspension of sentence and grant of bail in Cr.M.P.No.8015 of 2024 in C.A.No.199 of 2024. The learned Principal Sessions Judge, Thanjavur, Thanjavur District, vide judgment and order, dated 15.11.2024, had dismissed the said application. Challenging the same, the present Criminal Revision Case has been filed.

4.Mr.S.Sathyachidambaram, learned Counsel for the Revision Petitioner submits that the allegations levelled as against the Revision Petitioner are wrong and no such incident took place as alleged by the prosecution and the Revision Petitioner was falsely implicated in this case. It was further submitted that without properly considering the entire facts on record and only relying on the submissions of the learned



CRL.R.C.(MD)No.755 of 2025

counsel for the prosecution, the learned first appellate Court had dismissed the application seeking for suspension of sentence and grant of bail to the Revision Petitioner, vide order, dated 15.11.2024, in a cursory manner only on the ground that the Revision Petitioner was convicted in three criminal cases and had failed to consider the fact that all the three cases were registered as against the Revision Petitioner on the same day itself by the respondent Police based on the false allegations, whereas, no such incident took place. It was also submitted that the Revision Petitioner is in jail since 11.08.2022 and the fine amount of Rs.10,000/- as ordered by the trial Court was also paid by the Revision Petitioner.

5. It was further submitted by the learned Counsel for the Revision Petitioner that even though there are chances that the Revision Petitioner be acquitted in the appeal, the learned Principal Sessions Judge, Thanjavur, Thanjavur District, without properly considering the facts on record, had dismissed the application filed by the Revision Petitioner for suspension of sentence and grant of bail, vide order, dated 15.11.2024.



CRL.R.C.(MD)No.755 of 2025

6. Further, the learned counsel for the Revision Petitioner submits that the Revision Petitioner has already undergone the maximum period of sentence imposed upon the Revision Petitioner ie., more than 3 years. Thus, it was prayed this Court that the present Revision Petition may be allowed and the suspension of sentence may be granted to the Revision Petitioner considering the fact that the Revision Petitioner has already undergone the entire period of incarceration as ordered by the Trial Court and the appellate Court may be directed to dispose of the appeal, in view of the observations made by this Court.

7. Mr.M.Karunanithi, learned Government Advocate (Crl.side) for the respondent has filed a counter affidavit, wherein no new fact has been putforth before this Court and in reply thereto, the learned Counsel for the Revision Petitioner has also filed a rejoinder affidavit, denying all the averments made in the counter affidavit.

8. After considering the arguments as advanced by the learned counsel for the parties and after perusal of the order passed by the



CRL.R.C.(MD)No.755 of 2025

learned Principal Sessions Judge, Thanjavur, Thanjavur District in Cr.M.P.No.8015 of 2024 in C.A.No.199 of 2024, this Court finds that the only sole ground taken by the first appellate Court, while rejecting the application filed by the Revision Petitioner for suspension of sentence and grant of bail, is that the Revision Petitioner was convicted in three cases, whereas, the fact that all the three cases were registered as against the Revision Petitioner on the same day itself, has not been considered properly and the period of imprisonment and fine is same in all the cases.

9. This Court is of the view that the lower Appellate Court, without properly considering the entire facts on record and only relying on the submissions of the learned counsel for the prosecution, had dismissed the application seeking for suspension of sentence and grant of bail to the Revision Petitioner, vide order, dated 15.11.2024 in a cursory manner only on the ground that the Revision Petitioner was convicted in three criminal cases and had failed to consider the fact that the three cases were registered as against the Revision Petitioner on the same day itself by the respondent Police based on the false allegations.



10. Further more, the Revision Petitioner is in jail since 11.08.2022

and as on date, he has already undergone the entire period of sentence for more than three years and has also paid the fine amount of Rs.10,000/-, as directed by the trial Court. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision Petitioners 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.

11. The Revision Petitioner has already undergone the entire period of sentence, whereas if the accused has undergone the substantial period of imprisonment. The Hon'ble Supreme Court in the case of ***Takht Singh Vs. State of Madhya Pradesh, 2001 (10) SCC 463***, in paragraph no. 2 was pleased to observe as under:-

"2. The appellants have been convicted under section 302/149, Indian Penal Code by the learned Sessions Judge and have been sentenced to imprisonment for life. Against the said conviction and sentence their appeal to the High Court is pending.



CRL.R.C.(MD)No.755 of 2025

Before the High court application for suspension of sentence and bail was filed but the High Court rejected that prayer indicating therein that the applicants can renew their prayer for bail after one. After the expiry of one year the second application was filed but the same has been rejected by the impugned order. It is submitted that the appellants are already in jail for over 3 years and 3 months. there is no possibility of early hearing of the appeal in the High Court. In the aforesaid circumstances the applicants be released on bail to the satisfaction of the learned Chief Judicial Magistrate, Sehore. the appeal is disposed of accordingly."

12. Further, the Hon'ble Supreme Court in the case of ***Kamal vs State of Haryana reported in 2004(13) SCC 526***, was pleased to observe as under:

"2. This is a case in which the appellant has been convicted u/s 304-B of the Indian Penal Code and sentenced to imprisonment for 7 years. It appears that so far the appellant has undergone imprisonment for about 2 years and four months. The High Court declined to grant bail pending disposal of the appeal



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CRL.R.C.(MD)No.755 of 2025

before it. We are of the view that the bail should have been granted by the High court, especially having regard to the fact that the appellant has already served a substantial period of the sentence. In the circumstances, we direct that the bail be granted to the appellant on conditions as may be imposed by the District and Sessions Judge, Fridabad."

13. In view of the judgments passed by the Hon'ble Supreme Court as referred supra and in view of the fact that the Revision Petitioner has already undergone the entire period of sentence as ordered by the Trial Court and in view of the above observations as made, this Court is inclined to allow this Criminal Revision Petition.

14. Accordingly, this Criminal Revision Petition is **allowed**. The order, dated 15.11.2024 made in Cr.M.P.No.8015 of 2024 in C.A.No.199 of 2024 on the file of the learned Principal Sessions Judge, Thanjavur, Thanjavur District, is hereby set aside and modified. The suspension of sentence and bail is granted to the Revision Petitioner. The



CRL.R.C.(MD)No.755 of 2025

Superintendent of Central Prison, Trichy is directed to release the
Revision Petitioner from jail forthwith, without imposing any conditions.

The lower Appellate Court is directed to dispose of the pending appeal in
C.A.No.199 of 2024 on the file of the learned Principal Sessions Judge,
Thanjavur, Thanjavur District, as expeditiously as possible, in view of
the observations made by this Court.

15. Registry is directed to send a copy of this order to the learned
Principal Sessions Judge, Thanjavur, Thanjavur District and the learned
Judicial Magistrate No.1, Kumbakonam, Thanjavur District, for
necessary information and compliance.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

13.11.2025

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CRL.R.C.(MD)No.755 of 2025

Note: Issue Order Copy on 14.11.2025.

To:

- 1.The Principal Sessions Judge, Thanjavur, Thanjavur District.
- 2.The Judicial Magistrate No.1, Kumbakonam, Thanjavur District.
- 3.The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.



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CRL.R.C.(MD)No.755 of 2025

SHAMIM AHMED, J.

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CRL.R.C.(MD)No.755 of 2025

13.11.2025

13/13