



Crl.MP(MD) No.11867 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.MP(MD) No.11867 of 2025

in

Crl.RC.(MD)No.1231 of 2025

1.Anandhakumar,
S/o.Aalappan,
Tharagampatti,
Kadavur Taluk,
Karur District.

2.Ganesan,
S/o.Natarajan,
Main Road, Palayam,
Gujiliyamparai Taluk,
Dindigul District.

... Petitioners

Vs.

State of Tamil Nadu,
Represented by,
The Inspector of Police,
Gujiliyamparai Police Station,
Dindigul District.
(Crime No.205 of 2007)

... Respondent

Prayer : This Criminal Miscellaneous Petition filed under Section 528 of the Code of Criminal Procedure, to suspend the execution of sentence in Criminal Appeal No.69



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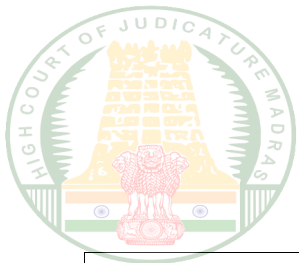
of 2018 on the file of the learned Additional District and Sessions Court, Dindigul dated 08.09.2022 confirming the Judgment in C.C. No. 215 of 2008 on the file of the Learned Additional District Munsif cum Judicial Magistrate, Veda sandhur, Dindigul District, dated 07.08.2018, pending disposal of the Criminal Revision Case.

For Petitioners : Mr.D.Paul Bright Singh
For Respondent : Mr.M.Karunanithi
Government Advocate
(Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed upon the petitioners by the learned Additional District Munsif cum Judicial Magistrate, Veda sandhur, Dindigul District in C.C.No.215 of 2008 dated 07.08.2018, which was confirmed by the learned Additional District and Sessions Judge, Dindigul in Crl.A.No.69 of 2018, dated 08.09.2022.

2.The petitioners, who were the accused Nos.1 and 2 in C.C.No.215 of 2008, were convicted and sentenced by the trial Court as follows:



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Petitioners' Name	Petitioners' Rank	Provision under which convicted	Sentence
Anandhakumar	First accused	U/s.417 r/w 34 of IPC U/s.420 r/w 34 of IPC	To undergo 6 months simple imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months simple imprisonment. To undergo 1 year simple imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months simple imprisonment.
Ganesan	Second accused	U/s.417 r/w 34 of IPC U/s.420 r/w 34 of IPC	To undergo 6 months simple imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months simple imprisonment. To undergo 1 year simple imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months simple imprisonment.



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3.The judgment of conviction and sentence imposed on the petitioners by the trial Court was confirmed by the learned Additional District and Sessions Judge, Dindigul, in Crl.A.No.69 of 2018, dated 08.09.2022. Challenging the above conviction and sentence, the petitioners have filed the Criminal Revision Petition in Crl.RC (MD)No.1231 of 2025 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4.The learned counsel for the Petitioners submitted that both the Trial Court and the Lower Appellate Court failed to consider that the cause of action arose at Karur District, but the respondent has registered the case against the petitioners in Dindigul District. Thus, it was submitted that the respondent has no jurisdiction to register the case against the petitioners. He further submitted that both the Trial Court and the Lower Appellate Court failed to take into account that P.W.3, P.W.4, P.W.5, P.W.6 and P.W.7 are working under the defacto complainant and P.W.2 and the respondent has not examined the independent witnesses in the above case. Therefore, the judgment passed by the Trial Court, dated 07.08.2018, which was confirmed by the Lower Appellate Court, vide judgment dated 08.09.2022, is highly erroneous, has caused serious injustice to the Petitioners and is against the principles of natural justice. In view of the above, it was argued that the conviction recorded by the Trial Court is legally un-sustainable. It was further argued that both



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the Trial Court as well as the Appellate Court 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. It was further argued that the judgments passed by both the Courts were based on surmises and conjectures without considering the entire evidence on record.

5.It was further argued that due to the 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 Case and the petitioners have fair chance of success in this Criminal Revision Case. Thus, he prayed for suspension of sentence and also prayed this Court that the petitioners may be released on bail, till the disposal of this Criminal Revision Case, as the Petitioners were already granted bail during trial.

6.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. It has been assured on behalf of the Revision Petitioners that they are ready to cooperate with the process of law and shall faithfully make themselves available before the Court whenever required and are also ready to accept all the conditions, which the Court



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may deem fit to impose upon them. The Revision Petitioners undertake that, in case, they are released on bail, they will not misuse the liberty of bail and will cooperate in disposal of the Revision Case.

7.Learned Government Advocate (Criminal Side) appearing for the Respondent has opposed the argument advanced by the learned counsel for the Revision Petitioners and submits that the judgments passed by both the Courts are as per law after considering the entire evidence. Thus, it was submitted that the relief sought by the Revision Petitioners at this stage be refused by this Court.

8.Considering the arguments advanced by the learned counsel for the petitioners, 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 trial, the Revision petitioners were also on bail.

9.Further, it is observed that when the accused has been under incarceration for sometime and when there are points in the Revision, which is in 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.



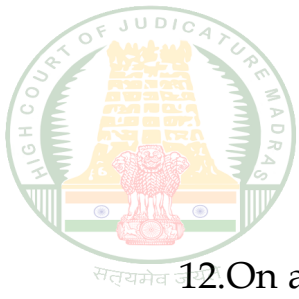
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10.The petitioners have raised substantial grounds in the Revision which would require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the Revision petitioners are entitled to the relief of suspension of sentence and bail.

11.Accordingly, the relief of suspension of sentence and bail is granted to Revision Petitioners, namely, Anandhakumar, S/o.Aalappan and Ganesan, S/o.Natarajan, on the following conditions:

- (i) The Revision petitioners shall surrender before the Learned Additional District Munsif cum Judicial Magistrate, Vendasandhur, Dindigul District within three weeks from today and on such surrender, the revision petitioners are ordered to be released on bail on their executing a personal bond along with two sureties each for a sum of Rs.10,000/- each subject to furnishing undertaking that they will co-operate in the hearing of the present Revision.
- (ii) The Revision petitioners and the 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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12. On acceptance of their bail bonds and sureties, the learned Trial Court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.

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

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

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To:

1. The Additional District and Sessions Judge, Dindigul.
2. The Additional District Munsif Judicial Magistrate,
Vedasnadhur, Dindigul.
3. The Inspector of Police,
Gujiliyamparai Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.ASOK KUMAR RAM, Advocate (SR-9889[I] dated 10/09/2025)



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ORDER

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Date :09/09/2025

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