



Crl.MP(MD)No.11742 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.MP(MD)No.11742 of 2025

in

Crl.RC.(MD)No.1215 of 2025

Abbash Manthiri,
S/o.Mathaar Khan,
No.59, South Muslim Street,
Chinnamanur, Uthamapalayam,
Theni District.

... Petitioner

Vs.

Sagubar Sathik,
S/o.Mydeen Abdulkadar,
Karunkattankulam,
Chinnamanur, Uthamapalayam,
Theni District.

... Respondent

Prayer : This Criminal Miscellaneous Petition filed under Section 430 of B.N.S.S. praying to suspend the Sentence imposed in C.C.No.109 of 2022 dated 16.08.2023 wherein the same was confirmed in C.A.No.112 of 2023 on the file of the Learned Principal Sessions Judge, Theni dated 06.08.2025.

For Petitioner : Mr.SMA Jinnah

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the



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sentence imposed upon the petitioner, by judgment and order dated 06.08.2025 passed in C.A.No.112 of 2023 by the learned learned Principal Sessions Judge, Theni, by confirming the judgment and sentence dated 16.08.2023 passed in C.C.No.109 of 2022 passed by the learned Judicial Magistrate, Uthamapalayam.

2. The petitioner, who was the sole accused in C.C.No.109 of 2022 was convicted and sentenced by the trial court as follows:

Petitioner's Rank	Provision under which convicted	Sentence
Sole Accused	U/s.500 of IPC	To undergo 6 months simple imprisonment and to pay a fine of Rs.2000/-, 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 Principal Sessions Judge, Theni in C.A.No.112 of 2023, dated 06.08.2025. Challenging the above conviction and sentence, the petitioner has filed Criminal Revision Petition in Crl.RC(MD)No.1215 of 2025 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

3. The learned counsel for the petitioner submitted that both the Trial Court and the Lower Appellate Court failed to take into consideration the fact that the cross-examination of the witnesses would have probabilized that the complainant's case is



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unbelievable, artificial, and deliberately concocted. It was contended that the Trial Court arrived at its conclusion without appreciating that the WhatsApp messages marked as Ex.P1 were not fully disclosed. The exhibit itself bears a note stating “read more,” clearly indicating that the message is incomplete and does not constitute a full or complete statement.

4. Learned counsel further submitted that the Hon’ble Apex Court has held that innuendos or partial extracts cannot form the basis of a sustainable prosecution unless the entire context is placed on record. Failure to disclose the complete statement, or the reproduction of the same inaccurately, can be fatal to the prosecution’s case. The exact words must be set out verbatim; vague or incomplete references are legally insufficient. In view of the above, it was argued that the conviction recorded by the Trial Court is legally unsustainable. It was further argued that the learned trial court as well as 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.

5. 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



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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 this Criminal Revision Case. Thus, he prayed for suspension of sentence and be released on bail, till the disposal of this Criminal Revision Petition as the Petitioner was already granted bail during trial.

6. 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 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.

7. Considering the arguments advanced by the learned counsel for the petitioner, 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.



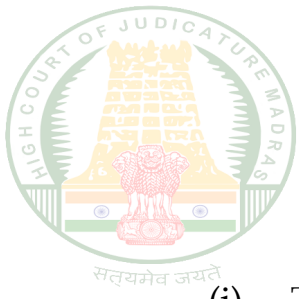
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8. Considering the arguments advanced by the learned counsel for the petitioner, this Court observed that when the accused have been under incarceration for sometime and when there are points in the revision, which favour the accused, then the courts 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.

9. 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.

10. Accordingly, the relief of suspension of sentence and bail is granted to Revision Petitioner namely Abbash Manthiri, S/o.Mathaar Khan on the following conditions:

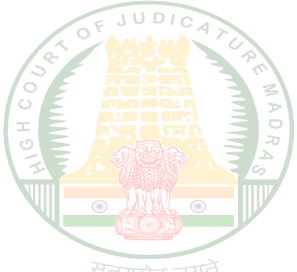


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- (i) The Revision petitioner shall surrender before the Learned Judicial Magistrate, Uthamapalayam, within three weeks from today and on such surrender, the revision petitioner is ordered to be released on bail on his executing a personal bond along with two sureties for a sum of Rs.10,000/- each 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.

11. 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.



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12. 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.

nsr
TO

- 1 The Principal Sessions Judge, Theni.
- 2 The Judicial Magistrate, Uthamapalayam.
- 3 Do Through the Chief Judicial Magistrate, Theni District.

ORDER
IN

CRL MP(MD) No.11742 of 2025
Date :02/09/2025

NBF/04/09/2025/ 7P/4C

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