



Crl.MP(MD)No.11769 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.MP(MD)No.11769 of 2025

in

Crl.RC.(MD)No.1216 of 2025

K.Saravanan,
S/o.Krishnan,
East Street, E.Pannaipatti,
Eriyodu,
Vedasandur,
Dindigul District.

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by its,
The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.
(Crime No.589 of 2009)

... Respondent

Prayer : This Criminal Miscellaneous Petition filed under Section 430 of B.N.S.S. praying to suspend the Sentence imposed by the learned Judicial Magistrate, Palani in C.C.No.74 of 2011 dated 29.11.2021, which was confirmed by the learned Additional District Judge, (Fast Track Court) Palani in Crl.A.No.31 of 2021, dated 30.06.2025.



Crl.MP(MD)No.11769 of 2025

WEB COPY

For Petitioner

: Mr.K.K.Samy

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 petitioner, by the learned Judicial Magistrate, Palani in C.C.No.74 of 2011 dated 29.11.2021, which was confirmed by the learned Additional District Judge, (Fast Track Court) Palani in Crl.A.No.31 of 2021, dated 30.06.2025.

2. The petitioner, who was the sole accused in C.C.No.74 of 2011 was convicted and sentenced by the trial court as follows:

Petitioner's Rank	Provision under which convicted	Sentence
Sole Accused	U/s.304(A) of IPC	To undergo 1 year simple imprisonment and to pay a fine of Rs.1000/-, 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 Additional District Judge, (Fast Track Court) Palani in

Crl.A.No.31 of 2021, dated 30.06.2025. Challenging the above conviction and

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



Crl.MP(MD)No.11769 of 2025

sentence, the petitioner has filed Criminal Revision Petition in Crl.RC(MD)No.1216 of 2025 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

WEB COPY

3. The learned counsel for the Petitioner submitted that both the Trial Court and the Lower Appellate Court failed to consider that there was neither valid corroboration nor cogent evidence available, and that all the examined witnesses contradicted their own statements and evidence. He further submitted that the Trial Court and the Appellate Court failed to apply their judicial minds to evaluate the admitted facts in the oral and documentary evidence. They also failed to take into account that the evidence of P.W.6 and P.W.7 did not prove the charge framed by the learned Judicial Magistrate. Therefore, the judgment based on the evidence of P.W.6 and P.W.7 is highly erroneous, has caused serious injustice to the Petitioner, 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 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. It was further argued that the judgment passed by both the Courts was based on surmises and conjectures without considering the entire evidence on record.



Crl.MP(MD)No.11769 of 2025

WEB COPY

4. 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 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.

5. 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.



Crl.MP(MD)No.11769 of 2025

WEB COPY

6. 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.

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.

8. 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.



Crl.MP(MD)No.11769 of 2025

WEB COPY

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 K.Saravanan, S/o.Krishnan on the following conditions:

- (i) The Revision petitioner shall surrender before the Learned Judicial Magistrate, Palani, 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.



Crl.MP(MD)No.11769 of 2025

WEB COPY

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.

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

sd/-
03/09/2025

/ TRUE COPY /

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

Nsr
TO

- 1 The Judicial Magistrate
Palani.
- 2 The Additional District Judge,
(Fast Track Court),
Palani.
- 3 The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.
- 4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Crl.MP(MD)No.11769 of 2025

+1 CC to M/s.K.K.SAMY, Advocate (SR-9617[I] dated 04/09/2025)

**ORDER
IN
CRL MP(MD) No.11769 of 2025
IN
CRL RC(MD) No.1216 of 2025
Date :03/09/2025**

AS/08.09.2025/8P/6C

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