



Crl.MP(MD)No.12576 of 2024:

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.MP(MD)Nos.12576 and 12633 of 2024

in

Crl.RC.(MD)Nos.1201 and 1205 of 2024

Crl.MP(MD)No.12576 of 2024:

Manisekaran,
S/o.Annakutti,
Aannakutti Street,
Kannathangudi West,
Orathanadu Taluk,
Thanjavur District.

... Petitioner

Vs.

State of Tamil Nadu,
Represented by the,
Inspector of Police,
District Crime Branch,
Thanjavur.
(Crime No.5 of 2018)

... Respondent

Prayer : This Criminal Miscellaneous Petition filed under Section 438(1) of B.N.S.S. praying to suspend the Sentence in respect of the Petitioner imposed by the learned II Additional District and Sessions Judge, Thanjavur made in Criminal Appeal No.258 of 2023 dated 24.09.2024 confirming the conviction and sentence imposed by the learned Judicial Magistrate Court, Thiruvaiyaru in C.C.No.2 of 2021 dated 12.09.2023 pending disposal of this Criminal Revision and release the Petitioner on bail.

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



Crl.MP(MD)No.12576 of 2024:

WEB COPY

For Petitioner

: Mr.S.Sarvagan Prabhu

For Respondent

: Mr.M.Karunanithi
Government Advocate
(Criminal Side)

Crl.MP(MD)No.12663 of 2024:

Manisekaran,
S/o.Annakutti,
Aannakutti Street,
Kannathangudi West,
Orathanadu Taluk,
Thanjavur District.

... Petitioner

Vs.

State of Tamil Nadu,
Represented by the,
Inspector of Police,
District Crime Branch,
Thanjavur.
(Crime No.5 of 2018)

... Respondent

Prayer : This Criminal Miscellaneous Petition filed under Section 438(1) of B.N.S.S. praying to suspend the Sentence in respect of the Petitioner imposed by the learned II Additional District and Sessions Judge, Thanjavur made in Criminal Appeal No.257 of 2023 dated 24.09.2024 confirming the conviction and sentence imposed by the learned Judicial Magistrate Court, Thiruvaiyaru in C.C.No.1 of 2021 dated 12.09.2023 pending disposal of this Criminal Revision and release the Petitioner on bail.

For Petitioner

: Mr.S.Sarvagan Prabhu

For Respondent

: Mr.M.Karunanithi
Government Advocate
(Criminal Side)



Crl.MP(MD)No.12576 of 2024:

COMMON ORDER

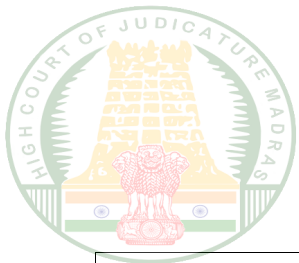
WEB COPY

The Criminal Miscellaneous Petition in Crl.M.P(MD)No.12576 of 2024 has been preferred seeking to suspend the Sentence in respect of the Petitioner imposed by the learned II Additional District and Sessions Judge, Thanjavur made in Criminal Appeal No.258 of 2023 dated 24.09.2024 confirming the conviction and sentence imposed by the learned Judicial Magistrate Court, Thiruvaiyaru in C.C.No.2 of 2021 dated 12.09.2023.

2. The Criminal Miscellaneous Petition in Crl.M.P(MD)No.12633 of 2024 has been preferred seeking to suspend the Sentence in respect of the Petitioner imposed by the learned II Additional District and Sessions Judge, Thanjavur made in Criminal Appeal No.257 of 2023 dated 24.09.2024 confirming the conviction and sentence imposed by the learned Judicial Magistrate Court, Thiruvaiyaru in C.C.No.1 of 2021 dated 12.09.2023.

3. Heard Mr.S.Sarvagan Prabhu, learned counsel for the Petitioner and Mr.M.Karunanithi, learned Government Advocate (Criminal Side), who accepts notice on behalf of the Respondent.

4. The Petitioner, who is the 1st accused in C.C.No.2 of 2021 was convicted and sentenced by the trial court as follows:

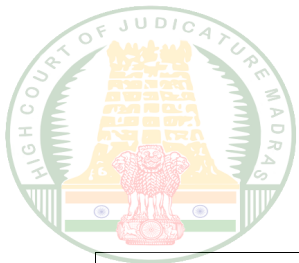


Crl.MP(MD)No.12576 of 2024:

Petitioner's Rank	Provision under which convicted	Sentence
1 st Accused	U/s.409, 420, and 120(B) of IPC	For each offence, To undergo 3 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment.
1 st Accused	U/s.465 of IPC	To undergo 2 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment.
1 st Accused	468 and 477(A) of IPC	For each offence, To undergo 3 years rigorous imprisonment and to pay a fine of Rs.1,000/-, 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 II Additional District and Sessions Judge, Thanjavur made in Criminal Appeal No.258 of 2023 dated 24.09.2024. Challenging the above conviction and sentence, the Petitioner has filed Criminal Revision Petition in Crl.RC(MD)No.1201 of 2024 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

5. The Petitioner, who is the 1st accused in C.C.No.1 of 2021 was convicted and sentenced by the trial court as follows:



Crl.MP(MD)No.12576 of 2024:

Petitioner's Rank	Provision under which convicted	Sentence
1 st Accused	U/s.409, 420, and 120(B) of IPC	For each offence, To undergo 3 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment.
1 st Accused	U/s.465 of IPC	To undergo 2 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment.
1 st Accused	468 and 477(A) of IPC	For each offence, To undergo 3 years rigorous imprisonment and to pay a fine of Rs.1,000/-, 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 II Additional District and Sessions Judge, Thanjavur made in Criminal Appeal No.257 of 2023 dated 24.09.2024. Challenging the above conviction and sentence, the Petitioner has filed Criminal Revision Petition in Crl.RC(MD)No.1205 of 2024 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

6. Mr.S.Sarvagan Prabhu, learned counsel for the petitioner submits that both the Trial Court and the Lower Appellate Court failed to note that though the complainant has preferred a complaint and an FIR was registered, two final reports were filed by the prosecution and two trials were conducted and there is no reason for the Respondent to file two final reports for the same offence and the Petitioner



Crl.MP(MD)No.12576 of 2024:

was convicted by the Trial Court for the same offence which had led to double jeopardy. The Trial Court as well as the Appellate Court failed to take into consideration of the admission of the witnesses which is contrary to the 161 Cr.P.C statements.

7. The learned counsel for the Petitioner further submits that both the Courts failed to note that the Petitioner herein was only an Office Assistant and he had no occasion to deal with the cheques as alleged in the complaint. Even though the case of the prosecution is accepted, this would only lead to dereliction of duty, that would warrant departmental action and will not attract the provisions of IPC. In view of the above, it was argued that the conviction recorded by both the Courts is legally unsustainable. It was further argued that the learned Trial Court as well as the 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.

8. 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



Cri.MP(MD)No.12576 of 2024:

WEB COPY

points in this Revision and the petitioner has fair chance of success in these Criminal Revision Petitions. Thus, he prayed for suspension of sentence in respect of the Petitioner and be released on bail, till the disposal of these Criminal Revision Petitions as the Petitioner was already granted bail during trial.

9. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision petitioner have also been placed forth before this 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.

10. Learned Government Advocate (Criminal Side) appearing for the Respondent has opposed the arguments as 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.



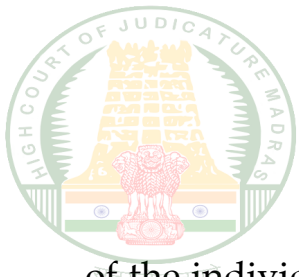
Crl.MP(MD)No.12576 of 2024:

WEB COPY

11. At this juncture, the learned counsel for the Petitioner submits that during the pendency of these petitions, the Petitioner/Accused No.1 was arrested on 15.08.2025 and he is confining in Central Prison, Trichy. The learned counsel further submits that the co-accused namely, Accused No.3 was granted bail by the Co-ordinate Bench of this Court vide order dated 18.08.2025 in Crl.MP(MD)No.2168 of 2025 and he also produced the order dated 18.08.2025 in Crl.MP(MD)No.2168 of 2025 before this Court and the same is taken on record. He prays that this Court may grant bail to the 1st Accused/Petitioner herein.

12. Considering the arguments as advanced by the learned counsel for the petitioner as well as the learned Government Advocate (Criminal Side) for the Respondent and after perusal of the order passed by the Co-ordinate Bench of this Court dated 18.08.2025 in Crl.MP(MD)No.2168 of 2025, 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 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



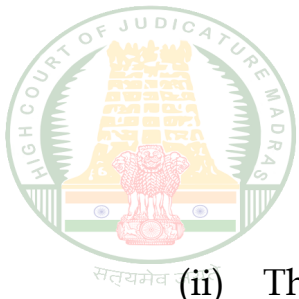
Crl.MP(MD)No.12576 of 2024:

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 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.

15. Accordingly, in view of the relief of suspension of sentence granted to the 3rd Accused by the Co-ordinate Bench of this Court dated 18.08.2025 in Crl.MP(MD) No.2168 of 2025 and considering the submission of the learned counsel for the Petitioner that the Petitioner was arrested during the pendency of these Revision Petitions, the relief of suspension of sentence and bail is granted to the present Revision Petitioner in Crl.MP(MD)Nos.12576 and 12633 of 2024, namely Manisekaran, S/o.Annakutti, in both the cases 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.15,000/- each subject to furnishing undertaking that he will co-operate in the hearing of the present Revision.



Crl.MP(MD)No.12576 of 2024:

- (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.
- (iv) The petitioner shall appear before the learned Judicial Magistrate, Thiruvaiyaru, once in every month, ie., on the first working day, commencing from the month of October 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 these Revision.

17. With the above directions, these Criminal Miscellaneous Petitions are ordered.

sd/-
12/09/2025

/ TRUE COPY /

/09/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

nsr

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



Crl.MP(MD)No.12576 of 2024:

TO
WEB COPY

1.The II Additional District and Sessions Judge, Thanjavur.

2.The Judicial Magistrate, Thiruvaiyaru.

3.The Inspector of Police,
District Crime Branch,
Thanjavur.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-10038[I] , SR-10039[I]dated
12/09/2025)

ORDER
IN
CRL MP(MD) No.12576and 12633 of 2024
IN
CRL RC(MD) No.1201 and 1205 of 2024
Date :12/09/2025

SBN/16.09.2025 11P/7C

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