

*Crl.MP(MD)No.14141 of 2025 in
Crl.R.C.(MD)No.1318 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.10.2025

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THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.MP(MD)No.14141 of 2025
in
Crl.RC.(MD)No.1318 of 2025

P.Kirubakaran, S/o.Padmanaban,
22-A, Thillai Nagar, 6th Cross,
V.V.G. Nagar, Vengamedu, Karur District.

Petitioner

Vs.

The State of Tamil Nadu,
Rep. by The Inspector of Police,
Vengamedu Police Station,
Karur District in Crime No.136/2018

Respondent(s)

Prayer : This Criminal Miscellaneous Petition has been filed under Section 438 of BNSS, praying to suspend the sentence imposed against the Petitioner, in Crl.A(MD)No.190 of 2023, dated 13.08.2025, passed by the District and Sessions Judge, Karur, confirming the Judgement made against the Petitioner in CC.No.157 of 2018, dated 19.07.2023, by the Judicial Magistrate No.1, Karur, till the disposal of the instant



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Crl.R.C.(MD)No.1318 of 2025*

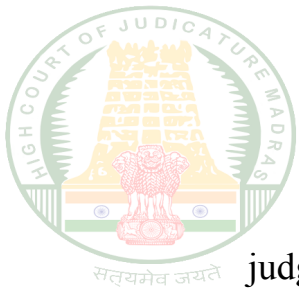
Criminal Revision Petition.

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For Petitioner : Mr.P.Pratheesh
For Respondent : Mr.A.S.Abdul Kalam Azad
Government Advocate
(Criminal Side)

ORDER

1. This Criminal Miscellaneous Petition has been filed, seeking to suspend the sentence imposed against the Petitioner in Crl.A(MD)No.190 of 2023, dated 13.08.2025, passed by the District and Sessions Judge, Karur, confirming the Judgement passed against the Petitioner in CC.No.157 of 2018, dated 19.07.2023 by the Judicial Magistrate No.1, Karur, till the disposal of the instant Criminal Revision Petition.
2. The Petitioner , who was the sole accused in C.C.No.157 of 2018 was convicted and sentenced by the impugned judgement of the trial court for the offence under Section 326 of IPC to undergo three years Simple Imprisonment and to pay a fine of Rs.5,000/-, in default to undergo one month Simple Imprisonment. By the impugned



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judgement of the lower appellate court, the judgement of conviction and sentence imposed on the Petitioner by the trial court was confirmed. Challenging the above conviction and sentence, the Petitioner has filed the above Crl.RC(MD)No.1318 of 2025, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

3. The learned counsel for the Petitioner has submitted that both the Courts below failed to consider that there was neither valid corroboration nor cogent evidence available and that the impugned judgement of the courts below is contrary to evidence, facts and probabilities of the case and that both the courts below also failed to consider the discrepancies found in the evidence and also failed to note that the Prosecution has miserably failed to prove the charges against the Petitioner beyond reasonable doubts. In view of the above, it was argued that the conviction recorded by the Trial Court and confirmed by the lower appellate court is legally unsustainable. It was further argued that the judgement passed by both the Courts below



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Crl.R.C.(MD)No.1318 of 2025*

WEB COPY

was based on surmises and conjectures without considering the entire evidence on record.

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



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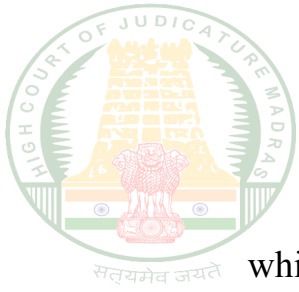
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required and is also ready to accept all the conditions which the Court may deem fit to impose upon him. The Revision Petitioner undertakes that, in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in disposal of revision.

6. The 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 judgements 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 judgement 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,



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Crl.R.C.(MD)No.1318 of 2025*

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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 P.Kirubakaran, S/o.Padmanaban, on the following conditions:-



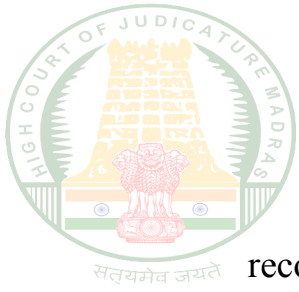
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*Crl.MP(MD)No.14141 of 2025 in
Crl.R.C.(MD)No.1318 of 2025*

- (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.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 Petitioner shall pay the fine of Rs.5,000/- as ordered by the Trial Court within two months from today.
- (iii) The Petitioner shall appear before the learned Judicial Magistrate No.I, Karur, once in every month, ie., on the first working day, commencing from the month of November 2025, at 10.30 a.m., until further orders.

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



*Crl.MP(MD)No.14141 of 2025 in
Crl.R.C.(MD)No.1318 of 2025*

records of this Revision.

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

10.10.2025

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To:

1. The Judicial Magistrate No.I, Karur
2. The District and Sessions Judge, Karur
3. The State of Tamil Nadu, Rep. by The Inspector of Police, Vengamedu Police Station, Karur District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai



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Crl.R.C.(MD)No.1318 of 2025*

SHAMIM AHMED, J.

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2/2

Dated: 10.10.2025