



CRL.M.P.(MD)No.17789 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.11.2025

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.M.P.(MD)No.17789 of 2025

in

CRL.R.C.(MD)No.1457 of 2025

1.P.Senthilkumar,
S/o.Pandian,
Karuppasamy Kovil Street,
B.Dharumathupatti, Bodinaickkanur Taluk,
Theni District.

(Now residing at Periyar Power House
TNEB Officers Quarters,
Lower Camp, Gudalur,
Uthamapalayam Taluk,
Theni District.)

2.R.Pandian,
S/o.Raj Gounder,
Karuppasamy Kovil Street,
B.Dharumathupatti,
Bodinaickkanur Taluk,
Theni District.

... Petitioners

vs.

The State of Tamilnadu,
represented by The Inspector of Police,
All Women Police Station,
Bodinaickkanur, Theni District.
(Crime No.3 of 2018)

... Respondent



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PRAYER: Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023, to suspend the sentence awarded by the appellate Court in Criminal Appeal No.108 of 2023 on the file of the Principal Sessions Judge, Theni, dated 17.10.2025 which was confirmed in C.C.No.149 of 2018 on the file of the Judicial Magistrate, Bodinayakkanur, dated 05.08.2023 pending disposal of the above Criminal Revision Petition.

For Petitioners :Mr.K.Guhan
For Respondent :Mr.M.Karunanithi
Government Advocate (Crl.side)

ORDER

Heard Mr.K.Guhan, learned Counsel for the Revision Petitioners and Mr.M.Karunanithi, learned Government Advocate (crl.side) for the Respondent.

2.This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed upon the Revision Petitioners by the learned Judicial Magistrate, Bodinayakkanur, in C.C.No.149 of 2018, dated 05.08.2023, which was confirmed by the learned Principal Sessions Judge, Theni, in Criminal Appeal No.108 of 2023, dated 17.10.2025, wherein, the Revision Petitioners were convicted for the



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offence under Section 498(A) of IPC and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.5,000/- each, in default, to undergo simple imprisonment for one month. Challenging the above conviction and sentence, the Revision Petitioners have filed Criminal Revision Petition in Crl.RC(MD)No.1457 of 2025 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

3.The learned Counsel for the Revision Petitioners submitted that both the Trial Court as well as the Appellate Court have failed to take into consideration the delay for registering the FIR, which was registered in the year 2018 for the alleged occurrence took place in the year 2017 and the delay in registration of FIR has also not been properly explained by the prosecution and the case has been falsely foisted against the accused.

4. 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



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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.

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 case will be finally heard and decided. He further submits that there are arguable points in this Revision and the Revision Petitioners have 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 Revision 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



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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 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 revision.

7.The learned Government Advocate (crl.side) appearing for the Respondent has opposed the arguments as 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 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 Revision Petitioners and the learned Government Advocate (Crl.side) for the Respondent, this Court is of the view that the Trial Court has failed to appreciate the evidence on record and the judgment was passed



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without considering the entire materials place 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 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.

10. The Revision Petitioners have 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 Petitioners are entitled to the relief of suspension of sentence and bail.



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11. Accordingly, the relief of suspension of sentence and bail is granted to the Revision Petitioners viz., 1.P.Senthilkumar, S/o.Pandian, 2.R.Pandian, S/o.Raj Gounder, on the following conditions:

- (i) The Revision Petitioners shall surrender before the learned Judicial Magistrate, Bodinayakkanur, within three weeks from today and on such surrender, the Revision Petitioners are ordered to be released on bail on their executing personal bond along with two sureties 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 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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- (iv) The Revision Petitioners shall appear before the learned Judicial Magistrate, Bodinayakkanur, once in every month, ie., on the first working day, commencing from the month of December 2025, at 10.30 a.m., until further orders.

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.

21.11.2025

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To

1.The Principal Sessions Judge,
Theni.

2.The Judicial Magistrate, Bodinayakkanur.

3.The Inspector of Police,
All Women Police Station,
Bodinaickkanur, Theni District.



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SHAMIM AHMED, J.

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