



Crl.MP(MD)No.16453 of 2025
in
Crl.R.C.(MD)No.1411 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

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in
Crl.RC.(MD)No.1411 of 2025

Sathish Kumar,
S/o.Sathishkumar,
SRM Street,
Karaikudi,
Sivagangai District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by,
The Inspector of Police,
Seithunganallur Police Station,
Tuticorin District.

2.The State of Tamil Nadu,
Represented by,
The Inspector of Police,
Prevention of Idol Theft Cell,
Southern Region,
Tirunelveli Zone.

... Respondents



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Prayer : This Criminal Miscellaneous Petition filed under Section 430 of B.N.S.S. praying to suspend the Sentence imposed upon the Revision Petitioner by the learned Additional Chief Judicial Magistrate in C.C.No.4 of 2020, dated 27.02.2023, which was confirmed by the learned Additional District and Sessions Judge (FTC), Kumbakonam, in Criminal Appeal No.104 of 2023, dated 13.08.2025, till the disposal of the Revision Petition.

For Petitioner : Mr.M.Keerthi Prasanna

For Respondents : Mr.A.S.Abul Kalam Azad
Government Advocate

ORDER

Heard Mr.M.Keerthi Prasanna, learned Counsel for the Revision Petitioner and Mr.A.S.Abul Kalam Azad, learned Government Advocate for the Respondent.

2. This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed upon the Revision Petitioner by



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the learned Additional Chief Judicial Magistrate in C.C.No.4 of 2020, dated 27.02.2023, which was confirmed by the learned Additional District and Sessions Judge (FTC), Kumbakonam, in Criminal Appeal No.104 of 2023, dated 13.08.2025, wherein the Revision Petitioner/Accused No.11, was convicted under Section 411(2) of IPC and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.2000/-, in default, to undergo simple imprisonment for three months. Challenging the above conviction and sentence, the Revision Petitioner has filed Criminal Revision Petition in Crl.RC(MD)No.1411 of 2025 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

3. The learned counsel for the Revision Petitioner submitted that both the Trial Court and Appellate Court failed to consider the fact that the prosecution had not proved that the Revision Petitioner received the case property, and more so, with the knowledge that it was stolen property, to attract punishment under Section 411(2) of IPC. The Trial



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Court as well as the Appellate Court failed to appreciate the fact that there was no recovery at the instance of the Revision Petitioner and no evidence whatsoever to connect the Revision Petitioner to the stolen idols, except the co-accused's confession, which is not admissible except to the extent of the fact discovered. Both the Trial Court and the Appellate Court failed to consider the fact that an adverse inference under Section 114(a) can be taken against the person in possession of the stolen property "soon after" the alleged theft happened and failed to appreciate that the seizure of the stolen idols itself has not been proved beyond reasonable doubt.

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 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



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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 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 Revision 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



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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. Learned Government Advocate 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.

8. Considering the arguments advanced by the learned counsel for the Revision Petitioner and the learned Government Advocate 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 without



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considering the entire materials place before it and during trial the Revision petitioner was 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 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.



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11. Accordingly, the relief of suspension of sentence and bail is granted to Revision Petitioner namely Sathishkumar, on the following conditions:

- (i) The Revision petitioner shall surrender before the learned Additional District and Sessions Judge (FTC), Kumbakonam, 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.



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- (iv) The Revision Petitioner shall appear before the learned Additional District and Sessions Judge (FTC), Kumbakonam, 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 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.

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

11.11.2025

Nsr



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To:

- 1.The Additional District and Sessions Court (FTC), Kumbakonam.
- 2.The Additional Chief Judicial Magistrate, Kumbakonam.
- 3.The Inspector of Police,
Prevention of Idol Theft Cell,
Southern Region,
Tirunelveli Zone.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SHAMIM AHMED, J.

Nsr

Order made in
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