



CRL.M.P.(MD)No.17890 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.11.2025

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.M.P.(MD)No.17890 of 2025

in

CRL.R.C.(MD)No.1462 of 2025

R.Venkatesh,
S/o.Ravi,
143, 148, Madathupatti Street,
Srivilliputhur, Virudhunagar District.

... Petitioner

vs.

The State of Tamil Nadu,
represented by the Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
(Cr.No.10 of 2022)

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023, to suspend the sentence imposed against the petitioner by the judgment of conviction and sentence passed by Court of the Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District in Crl.Appeal No.73 of 2023, dated 10.11.2025 by confirming the judgment of conviction and sentence passed by the Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur in S.C.No.73 of 2022, dated 30.05.2023 pending disposal of the Criminal Revision.



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For Petitioner :Mr.M.Jothi Basu
For Respondent :Mr.M.Karunanithi
Government Advocate (Crl.side)

ORDER

Heard Mr.M.Jothi Basu, learned Counsel for the Revision Petitioner 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 Petitioner by the learned Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur in S.C.No.73 of 2022, dated 30.05.2023, which was confirmed by the Court of the Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District in Crl.Appeal No.73 of 2023, dated 10.11.2025, wherein, the Revision Petitioner was convicted for the offence under Section 294(b) IPC and sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.500/-, in default, to undergo simple imprisonment for two weeks; for the offence under Section 307 IPC and sentenced to undergo rigorous imprisonment for five years and to pay a



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fine of Rs.5,000/-, in default, to undergo simple imprisonment for three months; for the offence under Section 353 IPC and sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for one month; and for the offence under Section 506(ii) IPC and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for one month. Challenging the above conviction and sentence, the Revision Petitioner has filed the Criminal Revision Case in CrI.R.C.(MD)No.1462 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 as well as the Appellate Court have failed to note that the alleged eye witnesses, PW-1, PW-2 and PW-6 are all Police officials and they were interested and inimical witnesses. He further submitted that the Courts below have failed to consider that there was a inconsistent evidence let by PW-1 to PW-6 about the manner of occurrence and material particulars. He further submitted that the Courts below have failed to appreciate the evidence of prosecution witnesses in



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a proper manner.

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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 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.



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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 Petitioner that he is ready to cooperate with the process of law and shall faithfully make himself available before the Court whenever required and are 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. The learned Government Advocate (Crl.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.



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8.Considering the arguments advanced by the learned Counsel for the Revision Petitioner 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 without considering the entire materials placed 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



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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.

11. Accordingly, the relief of suspension of sentence and bail is granted to the Revision Petitioner viz., R.Venkatesh, S/o.Ravi, on the following conditions:

- (i) The Revision Petitioner shall surrender before the learned Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur, within three weeks from today and on such surrender, the Revision Petitioner is ordered to be released on bail on his executing personal bond along with two sureties for a sum of Rs.10,000/- 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;



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- (iii) The realization of fine, if any, shall also remain suspended during the pendency of the present Revision; and
- (iv) The Revision Petitioner shall appear before the learned Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur, 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.

24.11.2025

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To

- 1.The Additional District and Sessions Judge,
Srivilliputhur, Virudhunagar District.
- 2.The Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur.
- 3.The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.



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SHAMIM AHMED, J.

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