



Crl.M.P. Nos. 1395 & 1397 of 2026
in
Crl.R.C. No. 206 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P. Nos. 1395 & 1397 of 2026
in
Crl.R.C. No. 206 of 2026

Tamilselvi

..Petitioner

Vs.

State represented by
The Inspector of Police,
Kannankurichi Police Station,
Salem.
(Crime No.855 of 2022)

..Respondent

Prayer in Crl.M.P.No.1395/2026:Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023 to suspend the sentence imposed on the petitioner in the judgement dated 17.11.2025 made in Crl.A.No.69 of 2024 on the file of 1st Additional District and Sessions Judge, Salem in confirming the judgement dated 22.02.2024 made in C.C.No.199 of 2023 on the file of Judicial Magistrate Court No.IV,



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Salem, and to release the petitioner on bail in pending disposal of the above revision petition.

Prayer in Crl.M.P.No.1397/2026:Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023 to exempt the petitioner from surrendering pursuant to the judgement dated 17.11.2025 made in Crl.A.No.69 of 2024 on the file of 1st Additional District and Sessions Judge, Salem in confirming the judgement dated 22.02.2024 made in C.C.No.199 of 2023 on the file of Judicial Magistrate Court No.IV, Salem, pending disposal of the above revision petition.

For Petitioner	::	Mr.N.Anand
For Respondent	::	Mr.R.Vinothraja, Government Advocate (Crl. Side)

O R D E R

This petitioner has preferred the above revision challenging the judgment passed by the learned 1st Additional District and Sessions Judge, Salem dated 17.11.2025, confirming the judgment of the learned Judicial Magistrate Court No.IV, Salem convicting the petitioner for the offence



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under Sections 454 and 380 of IPC., and sentenced him to undergo three years Rigorous Imprisonment and to pay fine of Rs.500/-, in default, to undergo three months Simple Imprisonment for the offence under Section 454 IPC and also sentenced to under three years Rigorous Imprisonment and to pay fine of Rs.500/-, in default, to undergo three months Simple Imprisonment for the offence under Section 380 IPC. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the above revision.

2.The case of the prosecution is that the petitioner was known to the defacto complainant; that taking advantage of the relationship, the petitioner had made a duplicate key of the house of the defacto complainant and committed theft of 7 sovereigns of gold jewels, besides cash of Rs.30,000/-. Thereafter, the petitioner sold the jewels in a gold company, in which, PW8 and PW9 were employed and handed over the cash to PW6 and PW7, from whom, the cash was recovered.



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3.The learned counsel for the petitioner would submit that the allegations are false; that the prosecution has not established the case beyond reasonable doubt; that the recovery at the instance of the petitioner has not been established as both PW6 and PW7 turned hostile; that the evidence of recovery witnesses is of no avail to the prosecution; and that the evidence of both PW8 and PW9 cannot be believed as both their evidence do not inspire confidence.

4.Heard the learned Government Advocate (Crl. Side) for the respondent and perused the materials available on record.

5.It is seen that there is no recovery from the petitioner. The cash is said to have been recovered from PW6 and PW7, however, both the witnesses had turned hostile. The petitioner is said to have sold the jewel to a gold company, in which, PW8 and PW9 were working. PW8 confirms that he is not personally aware of the transaction. PW9 though would state that



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the petitioner had sold the jewels, he was examined one year after the occurrence. However, there is no identification parade conducted.

6.Considering the above facts and since the petitioner has made out a *prima facie* case for suspension of sentence, this Court is inclined to suspend the sentence imposed on the petitioner and exempt the petitioner from surrendering before the Trial Court, subject to the following conditions:

- (i)The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.IV, Salem;
- (ii)The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and
- (iii)The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the Revision and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an



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application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

30.01.2026
(2/2)

Tsg

To

1. The 1st Additional District and Sessions Judge, Salem.
2. The Judicial Magistrate Court No.IV,
Salem.
3. The Inspector of Police,
Kannankurichi Police Station,
Salem.
4. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN,J.

Tsg

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