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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.M.P.No.2895/2026

in

Crl.RC.378/2026

N. Shankar

Revision Petitioner

Vs

The State, by
the Sub Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur District
Cr.No.08/2018

Respondent

Prayer:- This Criminal Miscellaneous Petition has been filed, under Section 389 (1) of Cr.P.C., praying to suspend the sentence, imposed on the Revision Petitioner, in Crl.A.No.59 of 2022, dated 19.11.2025, by the District and Sessions Judge at Tirupattur confirming the Judgement of conviction and sentence and order, dated 17.03.2022 made in S.C.No.169/2018 by the Assistant Sessions Judge, Tirupattur and enlarge the petitioner on bail, pending the disposal of the instant Criminal Revision Petition.

For Revision Petitioner : Mrs.Mumtaj Surya



WEB COPY For Respondent : Mr.M.Dinesh,
Govt. Advocate (crl.side)

ORDER

1. This Criminal Miscellaneous Petition has been filed, by the Revision Petitioner, praying to suspend the sentence, imposed on the Revision Petitioner, in Crl.A.No.59 of 2022, dated 19.11.2025 by the District and Sessions Judge, Tirupattur, confirming the Judgement of conviction and sentence and order, dated 17.03.2022, made in S.C.No.169/2018, by the Assistant Sessions Judge, Tirupattur and enlarge the petitioner on bail pending disposal of the instant Criminal Revision Petition.
2. By the impugned judgement of conviction and sentence and order of the Trial Court, the Revision Petitioner was convicted and sentenced for the offences as follows:

Accused	Conviction	Sentence
Petitioner	U/s.324 IPC	To undergo Rigorous Imprisonment for a period of two years and to pay a fine of Rs.10,000/-, in default, to undergo six months Simple Imprisonment.

The fine amount has already been paid.

3. The impugned judgement judgement of conviction and sentence and



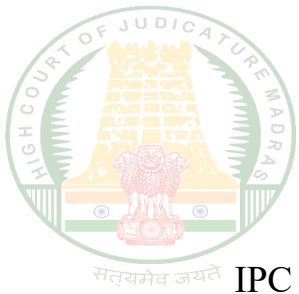
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order of the Trial Court was confirmed by the lower appellate Court, by its impugned judgement of conviction and sentence and order.

4. Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has filed the above CrI.RC.No.378 of 2026 along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail.

5. This Court heard Mrs.Mumtaj Surya, the learned counsel for the Revision Petitioner and Mr.M.Dinesh, the Government Advocate (Criminal Side) for the Respondent and considered their submissions and also perused materials placed before this Court.

6. The learned counsel for the Revision Petitioner has submitted that the case of the prosecution is that on account of a wordy altercation between the petitioner and the defacto complainant in respect of collection of Rs.200/- per house for pongal celebration, the petitioner is alleged to have stabbed the complainant on the right side of his chest and caused bleeding injury. He submitted that though there was no evidence of intention to cause death, the petitioner was convicted under section 324



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IPC Both the Courts below have failed to see that there was no discharge summary or any medical record to show that PW1/complainant had taken treatment for 15 days from the Hospital. Further, PW3 to PW4 are admittedly close friends and relatives of PW1 and no independent or disinterested witnesses from the locality were examined to prove the alleged occurrence which occurred in a public place. PW5 and PW10 also were treated as hostile, as they did not support prosecution version. PW12-IO failed to seize the blood stained materials either from PW1 or from the scene of occurrence. In the light of the above infirmities and discrepancies in the evidence of the prosecution witnesses for the alleged seizure and recovery of material objects, it is highly unsafe to place reliance on those evidences to invoke presumption against the Revision Petitioner. It was further argued that the crystal part of the evidences was not at all assessed by both the Courts below. It was further argued that the judgment passed by both the Courts below was based on surmises and conjectures without considering the entire evidence on record.

7. It is 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



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Criminal Revision Case will be finally heard and decided. It is further submitted that there are arguable points in this Criminal Revision Case and the Revision Petitioner has a fair chance of success in this Criminal Revision Case. Thus, the learned counsel for the Revision Petitioner has prayed for suspension of sentence and bail, till the disposal of this Criminal Revision Petition.

8. 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 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.

9. The learned Government Advocate (Criminal Side) for the Respondent

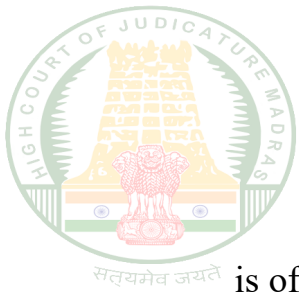


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has opposed the argument advanced by the learned counsel for the Revision Petitioner and submits that the judgements passed by the Courts below are as per the law, after considering the entire evidence and thus, the relief sought by the Revision Petitioner, at this stage, be refused by this Court.

10. Considering the arguments advanced by the learned counsel for the Revision Petitioner as well as the learned Govt. Advocate (Criminal 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 place before it and during the Trial the Revision Petitioner was also on bail.

11. Further, it is observed that when the accused have 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***

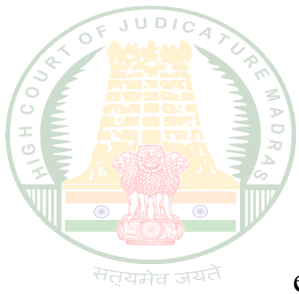


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12.The Revision Petitioner has raised substantial grounds in the Revision, which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the Revision Petitioner is entitled to the relief of suspension of sentence and bail.

13.Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to Revision Petitioner, namely, **N. Shankar, son of Natesan** on the following conditions:-

- i. The Revision Petitioner shall surrender before the learned Judicial Magistrate No.2, Tirupattur, within three weeks from the date of receipt of a copy of this order 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.15,000/-** 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



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ensure their identity.

- iii. The Petitioner shall appear before the Judicial Magistrate No.2, Tirupattur, once in every month, ie., on the first working day, commencing from the month of July 2026, at 10.30 a.m., until further orders.
- iv. On acceptance of his bail bonds and sureties, the Trial Court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.

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

09.06.2026
(2/3)

Index:Yes/No

Web:Yes/No

msr

To

1. The Judicial Magistrate 2, Tirupattur
2. The District and Sessions Judge, Tirupattur
3. The Sub Inspector of Police,
Tirupattur Police Station,
Tirupattur District.
4. The Public Prosecutor, High Court, Madras.



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