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Crl.M.P.No.4730 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.M.P.No.4730 of 2026
in
Crl.R.C.No.624 of 2026

Shanmugavel

...

Revision Petitioner

Vs

The State, represented by
the Inspector of Police,
Pallapatti Police Station,
Salem District.

...

Respondent

Prayer:- This Criminal Miscellaneous Petition has been filed, under Section 430 r/w.442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), praying to suspend the sentence, imposed on the Revision Petitioner in Crl.A.No.33 of 2017, dated 16.08.2017 by the II Addl. District and Sessions Judge, Salem, Salem District confirming the Judgement of conviction and sentence and order, dated 08.03.2017 made in S.C.No.360 of 2016 by the Chief Judicial Magistrate cum Assistant Sessions Court, Salem, Salem District, till the disposal of the instant Criminal Revision Petition.

For Revision Petitioner : Mr.E.Kannadasan

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



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ORDER

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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.33 of 2017, dated 16.08.2017 by the II Addl. District and Sessions Judge, Salem, Salem District confirming the judgement of conviction and sentence and order, dated 08.03.2017 made in S.C.No.360 of 2016 by the Chief Judicial Magistrate cum Assistant Sessions Court, Salem, Salem District, till the 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:

Petitioner	Conviction	Sentence
A1	U/s.392 r/w.397	To undergo rigorous imprisonment for 7 years
	u/s.341 IPC	To undergo Rigorous Imprisonment for two months

The sentences were ordered to run concurrently

3.Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has filed the above Crl.RC.No.624 of 2026, along with the instant Criminal Miscellaneous Petition, seeking



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suspension of sentence and bail pending disposal of the Criminal

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4.This Court heard Mr. E.Kannadasan, the learned counsel for the Revision Petitioner and Mr.M.Dinesh, Govt. Advocte (crl.side), learned counsel for the Respondent and considered their submissions and also perused materials placed before this Court.

5.The learned counsel for the Revision Petitioner has submitted that the petitioner along with other accused is alleged to have committed to have snatched two sovereigns of gold chain, one sovereign of gold chain and also a wrist watch and Rs.500/- cash and a cell phone from the defacto complainant at knife point.

6.Learned counsel for the petitioner submitted that the petitioner was implicated in this case solely based on the evidence of PW1 and there was no corroboration regarding the identification of the accused and recovery of gold jewels, cell phone and watch. Though the petitioner and other accused are strangers to PW1, no test identification parade was conducted which creates more doubts on the case of prosecution. There is material contradiction between PW7 and PW11-IO regarding manner of seizure of material objects.

7.He further submitted that the petitioner was falsely implicated in the



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present case due to enmity and there is no injury caused to the defacto

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complainant, nor any weapon was recovered from the possession of the petitioner, If any recovery of material objects was shown, that was by the police in order to implead the petitioner in the present case. He also submitted that the petitioner was earlier granted interim bail by this Court, vide order dated 22.05.2026 in Crl.M.P.No.4730 of 2026 as his son namely, Vaitheeshwaran had passed away on 08.05.2026. The coordinate Bench has granted interim bail on certain conditions and he was directed to surrender before the Superintendent of Prison, Central Prison, Salem on or before 22.06.2026 and the matter was directed to be listed on 23.06.2026.

8. Learned counsel for the petitioner submitted that as per the condition imposed by the Coordinate Bench of this Court dated 22.05.2026, the petitioner surrendered before the Superintendent of Prison, Central Prison, Salem on 22.06.2026 and at present, he is in jail.

9. Learned counsel for the petitioner submitted that excluding the above period of interim bail, the petitioner has been in jail for a period of more than 3 ½ years and that the total sentence of imprisonment period is only 7 years. The petitioner is a law abiding citizen and is giving an undertaking that he will not misuse the liberty .



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10. In the light of the above infirmities and discrepancies in the evidence of the prosecution witnesses, both the Courts below have failed to consider that the prosecution has not proved its case beyond any doubt. 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 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.

11. 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 Criminal Revision Case will be finally heard and decided. It is further submitted that the petitioner is now confined in jail and 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.

12. Several other submissions in order to demonstrate the falsity of the



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allegations made against the Revision Petitioner have also been placed

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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. Thus he seeks suspension of sentence and bail till the disposal of the Criminal Revision Case.

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

14.Considering the arguments advanced by the learned counsel for the Revision Petitioner as well as the learned counsel appearing for the Respondent, this Court is of the view that the Trial Court has failed to



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appreciate the evidence on record and the judgment was passed without

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considering the entire materials place before it and during the Trial the

Revision Petitioner was also on bail **and now the petitioner is in jail from 22.06.2026 and has been served 3 ½ years of the total imprisonment period of 7 years.**

15.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*** is of relevance.

16.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 and the petitioner has been now confined in prison. 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.

17.Accordingly, pending the Criminal Revision Case, the relief of



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suspension of sentence and bail is granted to Revision Petitioner,

WEB COPY namely, **Shanmugavel, Son of Visvanathan** on the following conditions:-

i. The Revision Petitioner is ordered to be released on bail, on his executing a bond before the learned Chief Judicial Magistrate cum Assistant Sessions Judge, Salem, Salem District 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 ensure their identity.

iii. The Petitioner shall appear before the Chief Judicial Magistrate cum Assistant Sessions Judge, Salem, Salem District once in every month, ie., on the 3rd day of every month commencing from the month of July 2026 at 10.30 a.m., until further orders.

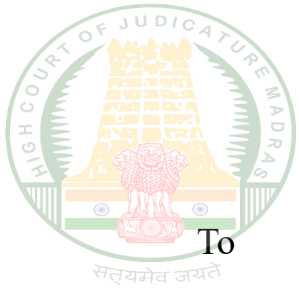
v. On acceptance of his bail bonds and sureties, the Trial Court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.

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

24.06.2026

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To

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- 1.The Chief Judicial Magistrate cum Assistant Sessions Court, Salem,
Salem District
- 2.The II Addl. District and Sessions Judge, Salem, Salem District
- 3.The Superintendent of Prison,
Central Prison, Salem
- 4.The Public Prosecutor, Madras High Court.



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SHAMIM AHMED, J.

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