



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 11-06-2026**

CORAM

**THE HON'BLE MR.JUSTICE SHAMIM AHMED**

**CRL MP No. 1957 of 2026**

**IN**

**CRL RC NO. 272 OF 2026**

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1. Elanchezhiyan
2. Gajendran
3. Rajendram
4. Ramu @ Ramamoorthy
5. Yuvaraj

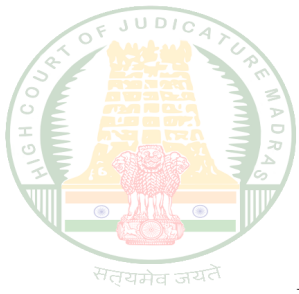
..Petitioner(s)

Vs

State Rep. by The Sub Inspector of Police  
Walajabad Police Station,  
Walajabad-Taluk,  
Kancheepuram District.  
Crime No. 15/2013.

..Respondent(s)

Prayer:- This Criminal Miscellaneous Petition has been filed, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), praying to suspend the sentence made in Criminal Appeal No. 3/2021 on the file of the Principal District and Sessions Court, Kancheepuram dt. 30.01.2026 in confirming the conviction and sentence made in C.C.No. 325/2013 on the file of the Judicial Magistrate No.II, Kancheepuram dt. 18.02.2021 and grand bail to the petitioners pending disposal of Criminal Revision.



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For Petitioner(s):

Mr.D.Veerasekharan

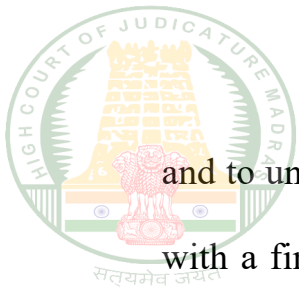
For Respondent(s):

Mr.M.Dinesh, Government Advocate ( Crl.Side)

### **ORDER**

This Criminal Miscellaneous Petition has been filed by the Revision Petitioners, praying to suspend the sentence imposed on them in C.A. No. 3 of 2021, dated 30.01.2026, by the Principal District and Sessions Court, Kancheepuram, confirming the judgment of conviction and sentence and order, dated 18.02.2021, made in C.C. No. 325 of 2013, by the Judicial Magistrate No. II, Kancheepuram, till the disposal of the instant Criminal Revision Petition.

2.By the impugned judgment of conviction and sentence and order of the Trial Court, the Revision Petitioners were convicted for the offences punishable under Sections 148, 324, and 326 (2 Counts) r/w 149 of the IPC and sentenced to undergo Rigorous Imprisonment for a period of one year with a fine of Rs.500/- each in default to undergo Simple Imprisonment for one month for the offence under Section 148 IPC; to undergo Rigorous Imprisonment for a period of one year with a fine of Rs. 1,000/- each in default to undergo Simple Imprisonment for one month for the offence under Section 324 r/w 149 IPC;

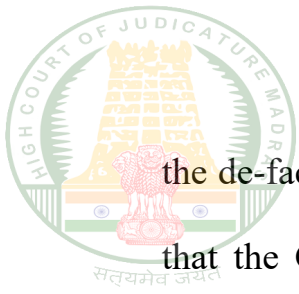


and to undergo Rigorous Imprisonment for a period of two years for each count with a fine of Rs. 2,000/- each in default to undergo Simple Imprisonment for one month for the offence under Section 326 (2 Counts) r/w 149 IPC, with all sentences ordered to run concurrently. The impugned judgment of conviction and sentence and order of the Trial Court was confirmed by the lower appellate Court, by its impugned judgment of conviction and sentence and order. It is submitted that during the trial and the subsequent appeal, the petitioners' sentence was suspended, and the petitioners are not currently in jail.

3.Challenging the above said judgment of conviction and sentence and order, the Revision Petitioners have filed the above Criminal Revision Petition along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail pending disposal of the Criminal Revision.

4.This Court heard Mr. D. Veerasekharan, the learned counsel for the Revision Petitioners and Mr. M. Dinesh, learned Government Advocate (Criminal Side) for the Respondent and considered their submissions and also perused materials placed before this Court.

5.The learned counsel for the Revision Petitioners has submitted that the prosecution case rests on a political rivalry, arising from an incident on 15.01.2013 where Accused No. 1 is the sitting Village Panchayat President and



the de-facto complainant had lost against him in the local elections. It is argued that the Courts below failed to note that this is a classic case of a case and countercase. The respondent police registered Crime No. 15 of 2013 against the petitioners, while simultaneously registering Crime No. 17 of 2013 against the de-facto complainant (PW1), PW2, PW3, PW4, and others for dynamic offences, including under the TNPPDL Act, for attacking the house of Accused No. 1. Furthermore, both the courts failed to take note that the learned Judicial Magistrate No. II, Kancheepuram had taken cognizance of both connected matters as C.C. No. 325 of 2013 and C.C. No. 334 of 2013, yet erroneously proceeded with a separate trial for the petitioners while leaving the counter-case pending till date. It is further argued that the Trial Court simply convicted the accused while completely ignoring material infirmities, such as the failure of PW1 to PW3 to disclose the correct place of occurrence, the non-recovery of the alleged weapon (iron rod), and the fact that observation witnesses PW6 and PW7 were entirely unaware of the contents of the observation mahazar. In the light of these material infirmities and major contradictions, it was argued that the judgments passed by both the Courts below were based on surmises and conjectures without considering the entire crystal part of the evidence on record.

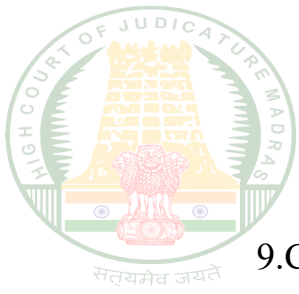
6. It is further argued that due to pendency of the criminal cases before this High Court, there is a blinking chance that in the near future, this Criminal Revision Case will be finally heard and decided. It is further submitted that



there are arguable points in this Criminal Revision Case and the Revision Petitioners have a fair chance of success in this Criminal Revision Case. Thus, the learned counsel for the Revision Petitioners has prayed for suspension of sentence and bail, till the disposal of this Criminal Revision Petition.

7. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision Petitioners have also been placed forth before the Court. The circumstances which, according to the counsel, led to the erroneous conclusion of criminal liability have also been touched upon at length. It has been assured on behalf of the Revision Petitioners that they are ready to cooperate with the process of law and shall faithfully make themselves available before the Court, whenever required and are also ready to accept all the conditions, which the Court may deem fit to impose upon them. The Revision Petitioners undertake that in case they are released on bail, they will not misuse the liberty of bail and will cooperate in disposal of Revision.

8. The learned Government Advocate (Criminal Side) for the Respondent has opposed the argument advanced by the learned counsel for the Revision Petitioners and submits that the judgments passed by the Courts below are as per the law, after considering the entire evidence and thus, the relief sought by the Revision Petitioners, at this stage, be refused by this Court. It is further submitted that the petitioners have already remitted the entire fine amount.



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9. Considering the arguments advanced by the learned counsel for the Revision Petitioners 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 properly appreciate the evidence on record regarding the component of the counter-case and the simultaneous trial layout, and the judgment was passed without adequately considering the entire materials placed before it. It is also noted that during the Trial and during the pendency of the appeal, the Revision Petitioners were on bail.

10. Further, it is observed that when the accused have been under threat of incarceration 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 Odisha*** reported in 2023 Live Law (SC) 533 is of relevance.

11. The Revision Petitioners have raised substantial grounds in the Revision, particularly concerning the joint layout of case and counter-case and the non-recovery of material objects, 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 Petitioners are entitled to the relief of suspension of sentence and bail.

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12. Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to the Revision Petitioners on the following conditions:-

- i. The Revision Petitioners shall surrender before the Judicial Magistrate No. II, Kancheepuram within three weeks from the date of receipt of a copy of this order and on such surrender, the Revision Petitioners are ordered to be released on bail, on their executing a personal bond, along with two sureties for a sum of Rs.15,000/- (Rupees fifteen thousand only) each, subject to furnishing an undertaking that they will co-operate in the hearing of the present Revision.
- ii. The Revision Petitioners 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 realization of fine, if any, shall also remain suspended during the pendency of the present Revision.
- iv. The Petitioners shall appear before the Judicial Magistrate No. II, Kancheepuram once in every month, ie., on 3rd day of



every month commencing from the month of July 2026 at 10.30 a.m., until further orders.

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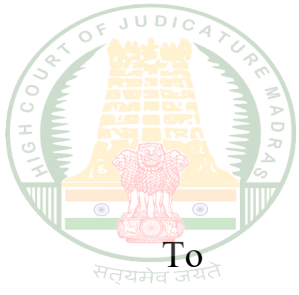
v. On acceptance of their bail bonds and sureties, the Trial Court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.

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

**11-06-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

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To

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1. The Sub Inspector of Police  
Walajabad Police Station,  
Walajabad-Taluk,  
Kancheepuram District.
2. The Principal District and Sessions Court, Kancheepuram.
3. The Judicial Magistrate No.II, Kancheepuram.
4. The Public Prosecutor,  
Madras High Court.



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**SHAMIM AHMED, J.**

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