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Crl.M.P.No.5525 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.M.P.No.5525 of 2026
in
Crl.R.C.No.719 of 2026

Nehruji

... Revision Petitioner

Vs

The Inspector of Police,
Ethapur Police Station,
Salem District

... Respondent

Prayer:- This Criminal Miscellaneous Petition has been filed, under Section 397(1) of Cr.P.C., r/w.section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), praying to suspend the sentence, imposed on the Revision petitioner, in Crl.A.No.70 of 2023, dated 19.12.2025 by the Addl. District and Sessions Judge, Aathur confirming the Judgement of conviction and sentence and order, dated 28.02.2023, made in CC.No.72 of 2019, by the Judicial Magistrate No.I, Aathur, till the disposal of the instant Criminal Revision Petition.

For Revision Petitioner :Mr. Muthamizh Selvakumar

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



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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.70 of 2023, dated 19.12.2025 by the Addl. District and Sessions Judge, Aathur confirming the Judgement of conviction and sentence and order, dated 28.02.2023, made in CC.No.72 of 2019, by the Judicial Magistrate No.I, Aathur, 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 for the offence punishable under Section 384 of IPC and was sentenced to undergo Simple Imprisonment for a period of two years and to pay a fine of Rs.1000/-, in default, to undergo one month Simple Imprisonment. The impugned judgement of conviction and sentence and order of the Trial Court was confirmed by the lower appellate Court, by its impugned judgement of conviction and sentence and order.
- 3.Challenging the above said judgement of conviction and sentence and order, the Revision petitioner have filed the above Crl.RC.No.719 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.P.Muthamizh Selvakumar, the learned counsel for the Revision Petitioner 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 petitioner has submitted that the case of the prosecution is that on 20.12.2018, the petitioner/A1 along with A2, stating themselves as press reporters, is alleged to have threatened the defacto complainant that they will complain to police about the act of defacto complainant buying kerosine from Government and selling the same for higher price and further it is alleged that by threatening so, they demanded an amount of Rs.10,000/- from the defacto complainant for not disclosing the same to police and extracted Rs.5000/- from the defacto complainant. The prosecution never examined the witness Thirumurugan, who was the prime eye witness who is alleged to have handed over the money to the petitioner. There is inconsistency of the evidence of PW1, PW2 and PW3 and the same leads to offence not proved against the petitioner beyond reasonable doubt. The prosecution has not established the chain connection with the



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petitioner and PW1 and no material object has been marked. In the light

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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 reasonable doubt. 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.

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 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.

7.Several other submissions in order to demonstrate the falsity of the allegations made against the Revision petitioner has 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



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petitioner that he is ready to cooperate with the process of law and shall

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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 undertake that in case he is released on bail, he 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 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.

9.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 were also on bail.

10.Further, it is observed that when the accused has been under incarceration for sometime and when there are points in the Revision,



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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.

11.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.

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

suspension of sentence and bail is granted to Revision Petitioner,

namely, Nehruji, Son of Ashokan on the following conditions:-

i.The Revision Petitioner shall surrender before the Judicial Magistrate

No.I, Aathur within three weeks from the date of receipt of a copy of

this order and on such surrender, the Revision Petitioner is ordered

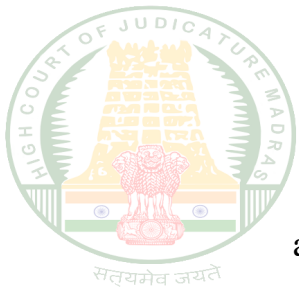
to be released on bail, on his executing a personal bond, along with

two sureties for a sum of **Rs.15,000/-** (Rupees fifteen thousand only)

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



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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 Judicial Magistrate No.I, Aathur 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.

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.

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

22.06.2026

2/2

Index:Yes/No

Web:Yes/No

Speaking/Non Speaking

Neutral Citation

msr

To

- 1.The Judicial Magistrate No.I, Aathur
- 2.The Addl. District and Sessions Judge, Aathur
- 3.The Public Prosecutor, Madras High Court.
- 4.The Inspector of Police,
Ethaapur Police Station, Salem District.



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SHAMIM AHMED, J.

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