



WEB COPY

CRL MP No. 9036 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 9036 of 2026

in

CRL RC NO. 1137 of 2026

Surendar
S/o.Subramani,
No.4/145, Bharathiyar Street,
Sampath Nagar, Poonthamalli,
Chennai - 600123.

..Petitioner(s)

Vs

State rep.by The Inspector of Police,
AVS-IPS
Chennai - 600002.
Crime.No.07/2018

..Respondent(s)

Prayer: This Criminal Miscellaneous Petition is filed under Section 528 of BNSS, praying to suspend the sentence in the C.C.No.2977 of 2021 dated 14/10/2024 passed by Learned IV Metropolitan Magistrate, Saidapet, Chennai and same was confirmed by the Vth Additional Sessions Judge at Chennai in Crl.A.No.866 of 2024 order dated 14/11/2025 and this suspension of sentence against the petitioner and to enlarge on bail to the petitioner pending disposal of the above appeal and thus render Justice.

For Petitioner(s): Mr.D.Magesh

For Respondent(s): Mr.N.Dinesh, G.A. (Crl.Side)



ORDER

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. 866 of 2024, dated 14.11.2025, by the Learned Additional Sessions Judge, Chennai, confirming the Judgment of conviction and sentence and order, dated 14.10.2024, made in C.C. No. 2977 of 2021, by the Learned IV Metropolitan Magistrate, Saidapet, Chennai, 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 Petitioner was convicted for offences under Sections 3(2)a, 4(1), and 5(1)a of the Prevention of Immoral Traffic Act (PITA) and sentenced to undergo Simple Imprisonment for a period of one year and to pay a fine of Rs. 2,000/-, in default to undergo further Simple Imprisonment for a period of one month, with the 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.

3.Challenging the above said judgment of conviction and sentence and order, the Revision Petitioner has filed the above Criminal Revision Case along with the instant Criminal Miscellaneous Petition, seeking suspension of



sentence and bail pending disposal of the Criminal Revision.

WEB COPY

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

5.The learned counsel for the Revision Petitioner has submitted that the case of the prosecution is that on 24.01.2018, the Inspector of Police conducted a raid at Door No. 5/12, Gopal Street, Vadapalani, Chennai, along with his team based on a special report given by the complainant, Rajaram, a Head Constable. It is alleged that prostitution was being carried out at the premises, leading to the arrest of Accused No. 1 and No. 2, recording of their confession statements, and the rescue of two victims by a woman constable. Cellphones, condoms, and a two-wheeler were subsequently seized under Crime No. 07 of 2018.

6.It is further argued by the learned counsel for the petitioner that the entire case relies upon structural discrepancies in the testimonies of the raiding team and witnesses. It was argued that the judgments passed by both the Courts below were based on inferences without properly assessing the evidentiary gaps on record, creating strong arguable points with a fair chance of success in the Revision. Thus, the learned counsel for the Revision Petitioner has prayed for



suspension of sentence and bail, till the disposal of this Criminal Revision
Petition.

WEB COPY

7.It has been assured on behalf of the Revision Petitioner that he is ready to cooperate with the process of law, shall faithfully make himself available before the Court whenever required, and is also ready to accept all 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 the disposal of the 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 judgments 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 fully appreciate the material discrepancies on record, and during the Trial, the Revision Petitioner was also on bail.

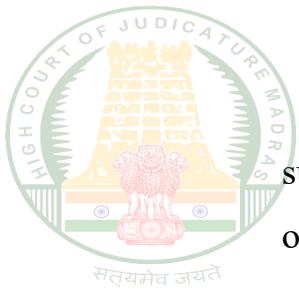


10. Further, it is observed that when the accused have been under incarceration for sometime and when there are points in the Revision which favour the accused, then the Courts should not shy from granting suspension of sentence, as the liberty of the individual would be at stake if the revision results 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.

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 for final disposal 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 the Revision Petitioner on the following conditions:-

- i. The Revision Petitioner shall surrender before the Learned **IV Metropolitan Magistrate, Saidapet, Chennai** 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



WEB COPY



sureties for a sum of Rs. 15,000/- (Rupees Fifteen Thousand only) each, subject to furnishing an undertaking that he will cooperate 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 passbook to ensure their identity.

iii. The Petitioner shall appear before the Learned IV Metropolitan Magistrate, Saidapet, Chennai once in every month, i.e., on the 3rd day of every month commencing from the month of July 2026 at 10.30 a.m., until further orders.

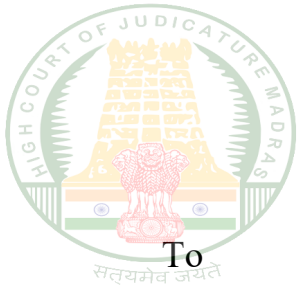
iv. On acceptance of his bail bonds and sureties, the Trial Court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.

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

04-06-2026

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

SHA



To

WEB COPY

- 1.The Inspector of Police,
AVS-IPS
Chennai – 600002.
- 2.The IV Metropolitan Magistrate,
Saidapet, Chennai.
- 3.The Public Prosecutor,
Madras High Court.



WEB COPY

CRL MP No. 9036 of 2



SHAMIM AHMED, J.

SHA

**CRL MP No. 9036 of 2026
IN
CRL RC NO. 1137 OF 2026**

04-06-2026