



Crl.M.P.Nos.9027 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.M.P.No.9027 of 2026
in
Crl.R.C.No.772 of 2026

1. Ponnurangam
2. Nagaraj

... Revision Petitioners

Vs

The State of Tamil Nadu
represented by the Inspector of Police,
Anaicut Police Station,
Chengalpattu
Crime No.23 of 2017

... Respondent

Prayer:- This Criminal Miscellaneous Petition has been filed, under Section 438 r/w.422 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), praying to suspend the sentence, imposed on the Revision Petitioners, in Crl.A.No.83 of 2022, dated 30.01.2026 by the Principal District and Sessions Court, Chengalpattu, confirming the Judgement of conviction and sentence and order, dated 25.11.2022, made in CC.No.23 of 202, by the Judicial Magistrate, Cheyyur, till the disposal of the instant Criminal Revision Petition.

For Revision Petitioners :Mr. Mohamed Musthafa H.



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For Respondent

: Mr. N.M.I. Kaleel,
Govt. Advocate (crl.side)

ORDER

- 1.This Criminal Miscellaneous Petition has been filed, by the Revision Petitioners, praying to suspend the sentence, imposed on the Revision Petitioners, in Crl.A.83 of 2022, dated 30.01.2026, by the Principal District and Sessions Court, Chengalpattu, confirming the Judgement of conviction and sentence and order, dated 25.11.2022, made in CC.No.23 of 2020, by the Judicial Magistrate, Cheyyur 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 Petitioners were convicted for the offence punishable under Section 325 of IPC and each of them were sentenced to undergo Rigorous Imprisonment for a period of one year and to pay a fine of Rs.2000/-, in default, to undergo further Simple Imprisonment for a period of one week. 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. The fine amount of Rs.2000/- was already paid by the petitioners.



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3.Challenging the above said judgement of conviction and sentence and

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2026, along with the instant Criminal Miscellaneous Petitions, seeking suspension of sentence and bail pending disposal of the Criminal Revision and grant exemption to surrender pursuant to judgment passed in C.A.No.83 of 2022 by the First Appellate Court.

4.This Court heard Mr.Mohamed Musthafa, the learned counsel for the Revision Petitioners and Mr.N.M.I.Kaleel, 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 case of the prosecution is that on 15.01.2017, the petitioners, who are father and son, alleged to have picked up quarrel with PW3 and inflicted injuries on the right hand of PW3. On the basis of complaint given by father of PW3, a case was registered in Cr.No.23 of 2017. There is no medical records available about the treatment given to PW3 at Kalpakkam GH and to constitute offence under 326 IPC, X-ray is very much necessary, but no X-ray is marked. Further PW1 and PW2 are parents of victim/PW3, hence, their evidence could not be relied upon.

In the light of the above infirmities and discrepancies in the evidence of



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the prosecution witnesses, both the Courts below have failed to consider

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that the prosecution has not proved its case beyond any 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 Petitioners have a fair chance of success in this Criminal Revision Case. Thus, the learned counsel for the Revision Petitioners have 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 false implication of the accused have also been touched upon at length. It has been assured on behalf of the Revision Petitioners that he is ready to cooperate with the process of law and shall faithfully make himself available before the Court, whenever



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required and is also ready to accept all the conditions, which the Court

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may deem fit to impose upon him. 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 judgements 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.

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 appreciate the evidence on record and the judgment was passed without considering the entire materials place before it and during the Trial the Revision Petitioners were 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,



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if the revision results in acquittal at a later point of time. In this regard,

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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

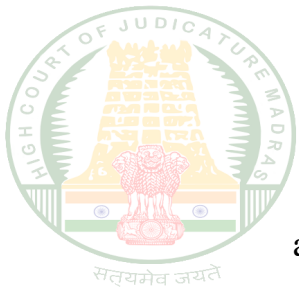
is of relevance.

11.The Revision Petitioners have 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 Petitioners are 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 Petitioners, namely, **Udhayakumar @ Udhaya, S/o.Subramani** on the following conditions:-

i.The Revision Petitioners shall surrender before the District Munsif cum Judicial Magistrate, Cheyyur, 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 each of them 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 they will co-operate in the hearing of the present Revision.

ii.The Revision Petitioners 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 Petitioners shall appear before the District Munsif cum Judicial Magistrate, Cheyyur 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.

02.06.2026

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Index: Yes/No

Web: Yes/No

Speaking/Non Speaking

Neutral Citation

msr

To

1. The Prl. District and Sessions Court, Chengalpattu

2. The Judicial Magistrate, Cheyyur

3. The Public Prosecutor, Madras High Court.

4. The Inspector of Police,

Anaicut Police Station, Chengalpattu.



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SHAMIM AHMED, J.

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