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CRL MP No. 7754 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 7754 of 2026

IN

CRL RC NO. 972 OF 2026

Siva
Son of Ramachadran,
Throwpathi Amman Kovil Street,
Chinna Elandthampattu,
Panruti Taluk,
Cuddalore District.

..Petitioner(s)

Vs

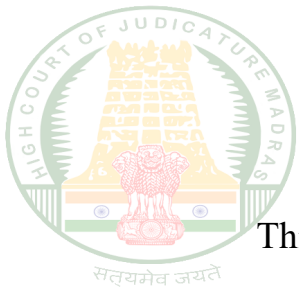
The State of Rep. by, Sub-Inspector of Police,
Kadampuliur Police Station,
Cuddalore District.
Crime No.494 of 2017

..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 of imprisonment imposed in judgment dated 11.01.2024 made in C.C.No.89 of 2019 on the file of the Judicial Magistrate No.II, Panruti and which was confirmed in the judgment dated 27.03.2026 made in Crl.A.No.10 of 2024 on the file of the Principal Sessions Court, Cuddalore and enlarge the petitioner on bail pending disposal of the above Revision Petition before this Honorable Court and thus render justice.

For Petitioner(s): Mr.D.Lakshmipathy

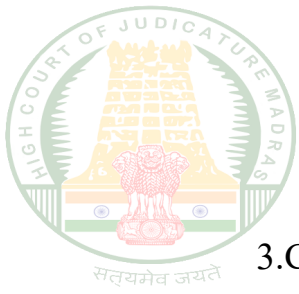
For Respondent(s): Mr. M. Dinesh, Govt. Advocate (Crl. Side)



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.10 of 2024, dated 27.03.2026, by the Principal Sessions Court, Cuddalore, confirming the Judgement of conviction and sentence and order, dated 11.01.2024, made in C.C.No.89 of 2019, by the Learned Judicial Magistrate No.II, Panruti, 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 offences punishable under Sections 324 and 326 of IPC and sentenced to undergo Simple Imprisonment for a period of Six months and a fine of Rs.1,000/-, in case of default to pay fine, to undergo Simple Imprisonment for one month for the offence under Section 324 IPC; and to undergo Simple Imprisonment for a period of one year and a fine of Rs.2,000/-, in case of default to pay fine, to undergo Simple Imprisonment for one month for the offence under Section 326 IPC, with both sentences ordered to run concurrently. 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. It is submitted that during the trial and the subsequent appeal, the petitioner's sentence was suspended, and the petitioner is not currently in jail.



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3.Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has 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.Lakshmipathy, 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.

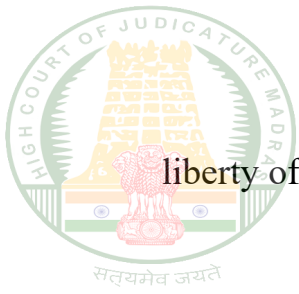
5.The learned counsel for the Revision Petitioner has submitted that the prosecution case rests on an altercation involving the 2nd accused (Sangeetha) and the defacto complainant regarding the dumping of waste, occurring on 31.10.2017 at about 06.00 a.m. It is argued that the Courts below failed to note that the prosecution case is riddled with material discrepancies and doubts that were explicitly brought forth during trial. Furthermore, both the courts failed to take note that despite the examination of 7 witnesses and the marking of 10 Exhibits, the material contradictions regarding the alleged assault with a wooden log on the defacto complainant and her mother-in-law were completely glossed over. It is further argued that the Appellate Court simply dismissed the appeal and confirmed the convictions without properly advertng to all the valid



contentions and legal flaws put forth by the petitioner. In the light of these material infirmities, 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 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 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 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.

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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 properly appreciate the evidence on record regarding the material aspects of the alleged assault, 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 Petitioner was 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.

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11. The Revision Petitioner has raised substantial grounds in the Revision, particularly concerning the consistency and reliability of the testimony of the injured witnesses, 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 the Revision Petitioner on the following conditions:-

- i. The Revision Petitioner shall surrender before the Judicial Magistrate No.II, Panruti 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 an 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.

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iii. The realization of fine, if any, shall also remain suspended during the pendency of the present Revision.

iv. The Petitioner shall appear before the Judicial Magistrate No.II, Panruti 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.

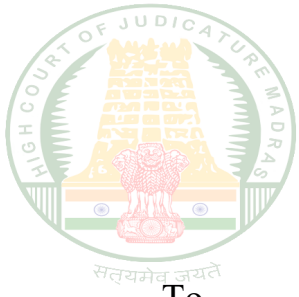
v. On acceptance of his bail bonds and sureties, the Trial Court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.

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

12-06-2026

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

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SHAMIM AHMED, J.

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- To
1. Sub-Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.
 2. The Judicial Magistrate No.II, Panruti.
 3. The Principal Sessions Court, Cuddalore.
 4. The Public Prosecutor, Madras High Court.

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