



WEB COPY



Crl.MP.No.9068 of 2026 in Crl.RC.No.1144 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.MP.No.9068 of 2026
in Crl.RC.No.1144 of 2026

S.Gopal, S/o.Seetharaman
No.2,3 and 3, Arcot Road, Anna Salai
Lakshmi Nagar, Porur, Chennai-116

Revision Petitioner/A2

Vs

State represented by the Inspector of Police
Central Crime Branch-2, Egmore,
Chennai. (Cr.No.12 of 2010)

Respondent

Prayer:- This Criminal Miscellaneous Petition has been filed, under Section 438 read with 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), praying to suspend the sentence, imposed on the Revision Petitioner, in Crl.A.No.51 of 2021, dated 26.03.2026, by the II Additional District Sessions Judge, Tiruvallur at Poonamalle, confirming the Judgement of conviction and sentence and order, dated 05.07.2021, made in CC.No.230 of 2013, by the Judicial Magistrate No.II, Poonamallee, till the disposal of the instant Criminal Revision Case.

For Revision Petitioner : Mr.D.Raja

For Respondent : Mr.M.M.I.Khaleel, GA(Criminal Side)



Crl.MP.No.9068 of 2026 in Crl.RC.No.1144 of 2026

ORDER

WEB COPY

1. This Criminal Miscellaneous Petition has been filed, by the Revision Petitioner/A2, praying to suspend the sentence, imposed on the Revision Petitioner, in Crl.A.No.51 of 2021, dated 26.03.2026, by the II Additional District Sessions Judge, Tiruvallur at Poonamalle, confirming the Judgement of conviction and sentence and order, dated 05.07.2021, made in CC.No.230 of 2013, by the Judicial Magistrate No.II, Poonamallee, till the disposal of the instant Criminal Revision Case.
2. By the impugned judgement of conviction and sentence and order of the Trial Court, the Revision Petitioner was convicted and sentenced for the offence punishable under Section 120B of IPC to undergo Simple Imprisonment for three months and for the offence under Section 465 of IPC to undergo six months Rigorous Imprisonment and for the offence under Section 468 read with 471 of IPC to undergo one year Rigorous Imprisonment and to pay a fine of Rs.5,000/-, in default to undergo Simple Imprisonment for a period of eight weeks and the sentences were ordered to run concurrently. The impugned judgement 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

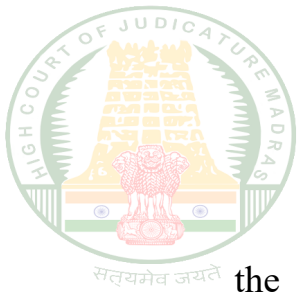


Crl.MP.No.9068 of 2026 in Crl.RC.No.1144 of 2026

sentence and order.

WEB COPY

3. Challenging the above said judgement of conviction and sentence and order of the lower appellate court, the Revision Petitioner has filed the above Criminal Revision Case, along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail.
4. This Court heard Mr.D.Raja, the learned counsel for the Revision Petitioner and Mr.M.M.I.Khaleel, the 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 both the courts below have not properly appreciated the depositions of the Prosecution witnesses, PW.1 to PW.15 and also the material evidence, namely, Ex.P1 to Ex.P33 and also the final report submitted by the Respondent Police. The learned counsel has further submitted that both the courts below have failed to note that on a reading of the entire evidence, no offence is made out against the Revision Petitioner. The learned counsel would further submit that in the light of the infirmities and discrepancies in the evidence of the prosecution witnesses, it is highly unsafe to place reliance on those evidences to invoke presumption against the Revision Petitioner and that the judgments passed by both

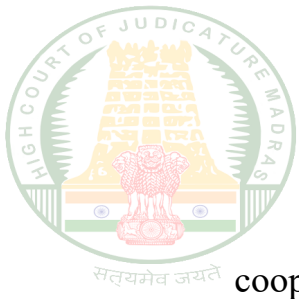


WEB COPY

the Courts below were 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.

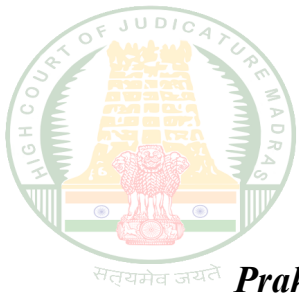
7. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision Petitioner have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been touched upon at length. It has been assured on behalf of the Revision 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.

WEB COPY

8. The learned Government Advocate (Criminal Side) for the Respondent has opposed the arguments 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 both the courts below have failed to appreciate the evidence on record and the impugned judgments were passed, without considering the entire materials placed before it 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**



Crl.MP.No.9068 of 2026 in Crl.RC.No.1144 of 2026

WEB COPY

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, S.Gopal, S/o.Seetharaman, on the following conditions:-

- i. The Revision Petitioner shall surrender before the Judicial Magistrate II, Poonamallee, 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/- each and 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 copies 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.



Crl.MP.No.9068 of 2026 in Crl.RC.No.1144 of 2026

WEB COPY

iv. The Revision Petitioner shall appear before the Judicial Magistrate No.II, Poonamallee, once in every month, ie., on the first working day, commencing from the month of July 2026, at 10.30 a.m., until further orders.

13. 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.

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

05.06.2026

2/2

Index: Yes/No
Web: Yes/No
Speaking/Non Speaking
Neutral Citation
Srcm

To

1. II Additional District Sessions Judge, Tiruvallur at Poonamallee
2. The Judicial Magistrate No.II, Poonamallee, till the disposal of the instant Criminal Revision Case.
3. The Inspector of Police, Central Crime Branch-2, Egmore,
4. The Public Prosecutor, Madras High Court, Madras



WEB COPY



Crl.MP.No.9068 of 2026 in Crl.RC.No.1144 of 2026

SHAMIM AHMED, J.

Srcm

Crl.MP.No.9068 of 2026
in Crl.RC.No.1144 of 2026

2/2

05.06.2026