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CRL MP No. 8664 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

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THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 8664 of 2026

IN

CRL RC NO. 1097 OF 2026

1. Vadivel
S/o.Govindaraj,
Krishnagiri Road,
Rayakottai,
Krishnagiri District.
2. Chinamma
W/o.Nanjappa,
D.No.134, 2/240, Gururapalli,
Anthonipalli,
Dhenkanikottai,
Krishnagiri District.

..Petitioner(s)

Vs

The Inspector of Police,
District Crime Branch,
Krishnagiri District.
Cr.No.217/2019.

..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 imposed in C.A.No.102 of 2024 dated 25.02.2026 passed by the learned Court of the Principle Session Judge, Krishnagiri in conforming the Judgment in CC.No.217 of 2019 dated 27.11.2024 passed by the learned Judicial magistrate Court No.II, Krishnagiri and passed any other order as deem fit under the circumstances of the case.



For Petitioner(s): Ms.P.Priya

WEB COPY For Respondent(s): Mr.M.M.I.Khaleel, G.A. (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the Revision Petitioners, praying to suspend the sentence imposed on them in C.A.No.102 of 2024, dated 25.02.2026, by the learned Court of the Principal Sessions Judge, Krishnagiri, confirming the Judgment of conviction and sentence and order, dated 27.11.2024, made in C.C.No.217 of 2019, by the learned Judicial Magistrate Court No.II, Krishnagiri, 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 Petitioners were convicted for the offence punishable under Section 420 of IPC and sentenced to undergo Rigorous Imprisonment for a period of two years and to pay a fine of Rs. 2,000/- each, in default to undergo further Rigorous Imprisonment for a period of one month. The impugned judgment of conviction and sentence and order of the Trial Court was confirmed by the lower appellate Court, by its confirmed judgment of conviction and sentence and order. The fine amount has already been paid by the petitioners.



3. Challenging the above said judgment of conviction and sentence and order, the Revision Petitioners have filed the accompanying Criminal Revision Case along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail pending disposal of the Criminal Revision.

4. This Court heard Ms. P. Priya, the learned counsel for the Revision Petitioners and Mr. M.M.I. Khaleel, learned Government Advocate (Criminal Side) for the Respondent State, 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 13.03.2014, the respondent police registered a case in Crime No. 25/2015 based on a written complaint from PW-1. It is alleged that the 2nd petitioner/accused induced the villagers by falsely claiming she had arranged funds through the District Collector's office for purchasing cheap goats and issued receipts for the money. Further, the 1st petitioner/accused allegedly collected amounts ranging from Rs.3,000/- to Rs.10,000/- from several tribal villagers for purchasing milch cows under a prize-less scheme. After completing the investigation, a final report was laid, which was taken on file as C.C.No.217 of 2019.

6. It is further argued by the learned counsel for the Revision Petitioners



that the learned Trial Court and the First Appellate Court miserably failed to appreciate the material contradictions in the ocular evidence of PW-1, PW-2, and PW-3. It was highlighted that the witnesses deposed nearly 10 years after the alleged occurrence, and the prosecution failed to produce or mark any substantial documentary evidence or material objects to establish a continuous chain connection between the petitioners and the alleged transaction. It was argued that both Courts mechanically rejected the defence and based the conviction merely on suspicion and conjectures. Relying on the decision of the Hon'ble Supreme Court in *Sheila Sebastian Vs. Jawaharaj & another*, it was submitted that strong suspicion cannot take the place of legal proof, establishing strong arguable points with a fair chance of success in the Revision. It was also noted that the petitioners are senior citizens suffering from age-related ailments. Thus, the learned counsel has prayed for suspension of sentence and bail.

7. It has been assured on behalf of the Revision Petitioners that they are ready to cooperate with the process of law and shall faithfully make themselves available before the Court whenever required, and are also ready to accept all the conditions which the Court may deem fit to impose upon them. The Revision Petitioners undertake that in case they are released on bail, they will not misuse the liberty of bail and will cooperate in the disposal of the Revision. It is further noted that the petitioners are currently not in jail.



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 judgments passed by the Courts below are perfectly in accordance with the law, after considering the oral evidence of PW-1 to PW-71, 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 as well as the Appellate Court have failed to fully appreciate the structural discrepancies regarding the lack of documentary evidence on record, and during the Trial, the Revision Petitioners were also on bail.

10. Further, it is observed that when the accused have been under incarceration or face a sentence of short duration, and when there are arguable 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 Petitioners have raised substantial grounds in the Revision, which require detailed appraisal. Further, the Revision is not likely to be taken up for final hearing 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 the Revision Petitioners on the following conditions:-

- i. The Revision Petitioners shall surrender before the Learned **Judicial Magistrate Court No.II, Krishnagiri** 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 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 they will cooperate in the hearing of the present Revision.
- ii. The Revision Petitioners 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.



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iii. The Petitioners shall appear before the Learned Judicial Magistrate Court No.II, Krishnagiri 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 their 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

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To

1. The Inspector of Police,
District Crime Branch,
Krishnagiri District.

2. The Judicial Magistrate Court No.II,
Krishnagiri.



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SHAMIM AHMED, J.

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