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CRL MP No. 9835 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

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THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 9835 of 2026

IN

CRL RC NO. 1223 OF 2026

1. Mani
2. Udhaya Kumar
3. Sathish Kumar

..Petitioner(s)

Vs

State Through, The Inspector of Police,
R3, Ashok Nagar Police Station,
Chennai - 600 083.
Cr.No.333 of 2014.

..Respondent(s)

Prayer:- This Criminal Miscellaneous Petition has been filed, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), praying to pass and suspending the sentence imposed by the learned XVII Metropolitan Magistrate at Saidapet, Chennai in CC.No.2932 of 2014 dated 18.01.2018, modified by the learned II Additioal Judge, City Civil Court at Chennai in Crl.A.No.52 of 2018 dated 10.02.2026 and enlarge the petitioners on bail pending disposal of the above Revision.

For Petitioner(s): Mr.S.Shrenik Raj

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



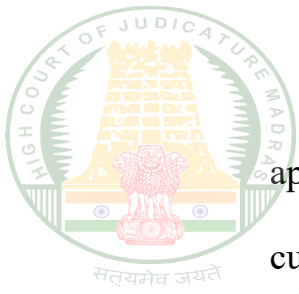
ORDER

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This Criminal Miscellaneous Petition has been filed by the Revision Petitioners praying to suspend the sentence imposed on them in Crl.A.No.52 of 2018, dated 10.02.2026, by the II Additional Judge, City Civil Court, Chennai, modifying the judgment of conviction and sentence dated 18.01.2018 made in C.C.No.2932 of 2014 by the XVII Metropolitan Magistrate, Saidapet, Chennai, till the disposal of the instant Criminal Revision Petition.

2.By the impugned judgment, the Revision Petitioners (Accused 1 to 3) were convicted and sentenced as follows:

- Petitioners 1 to 3 (A1 to A3) were convicted for the offence under Section 294(b) of IPC and sentenced to undergo Simple Imprisonment for a period of one month and to pay a fine of Rs.1,000/- each, in default to undergo Simple Imprisonment for one month.
- Petitioners 2 and 3 (A2 and A3) were further convicted for the offence under Section 324 of IPC and sentenced to undergo Simple Imprisonment for a period of six months and to pay a fine of Rs.1,000/- each, in default to undergo Simple Imprisonment for one month.
- The sentences were ordered to run concurrently, and the total fine amount imposed is Rs.8,000/-. During the trial and the subsequent



appeal, the petitioners' sentences were suspended, and they are not currently in jail.

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

4.Heard Mr.S.Shrenik Raj, learned counsel for the Revision Petitioners 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 Petitioners submitted that the order passed by both the Trial Court and the Lower Appellate Court is unsustainable in law. He argued that the Lower Appellate Court partly allowed the appeal without properly considering or appreciating the material grounds raised by the petitioners/accused 1 to 3.

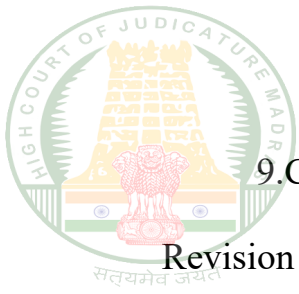
6.It is further argued that due to pendency of the criminal cases before this High Court, there is a blinking chance that in the near future, this Criminal Revision Case will be finally heard and decided. It is further submitted that



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 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 Petitioners have also been placed forth before the Court. The circumstances which, according to the counsel, led to the erroneous conclusion of criminal negligence have also been touched upon at length. 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 disposal of Revision

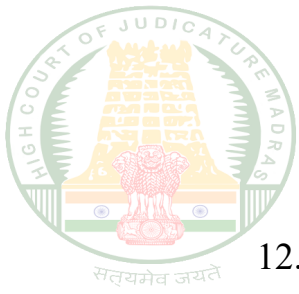
8. The learned Government Advocate (Criminal Side) for the Respondent has opposed the argument advanced by the learned counsel for the Revision Petitioners and submits that the judgements passed by the Courts below are as per the law, after considering the entire evidence and thus, the relief sought 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 Courts below have failed to properly appreciate the evidence on record, 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 Petitioners were 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.

11. The Revision Petitioners have raised substantial grounds in the Revision, particularly concerning the appreciation of evidence by the courts below, 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.



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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 XVII Metropolitan Magistrate, Saidapet, Chennai 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 their 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 co-operate 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 pass Book to ensure their identity.
- iii. The realization of fine, if any, shall also remain suspended during the pendency of the present Revision.
- iv. The Petitioners shall appear before the XVII Metropolitan Magistrate, Saidapet, Chennai 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 their bail bonds and sureties, the Trial Court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.

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

18-06-2026

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

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To

1. The Inspector of Police,
R3, Ashok Nagar Police Station,
Chennai - 600 083.
2. The XVII Metropolitan Magistrate,
Saidapet, Chennai.
3. The II Additional Judge, City Civil Court,
Chennai.
4. The Public Prosecutor,
Madras High Court.



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SHAMIM AHMED, J.

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