



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.M.P.No.9639/2026

in

Crl.RC.1204/2026

Agilan

Revision Petitioner

Vs

The State, by
the Inspector of Police,
Odiansalai Police Station,
Puducherry
Cr.No.136/2019

Respondent

Prayer:- This Criminal Miscellaneous Petition has been filed, under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), praying to suspend the sentence, imposed on the Revision Petitioner, in Crl.A.No.1 of 2024, dated 20.02.2026, by the III Addl. Sessions Judge, Puducherry confirming the Judgement of conviction and sentence and order, dated 13.12.2023 made in C.C.No.356 of 2020 by the Chief Judicial Magistrate, Puducherry till the disposal of the instant Criminal Revision Petition.

For Revision Petitioner : Mr. Swamisubramanian

For Respondent : Mr.A.Alexander
Govt. Advocate (crl.side)
Pondicherry.



WEB COPY

ORDER

1. This Criminal Miscellaneous Petition has been filed, by the Revision Petitioner, praying to suspend the sentence in CrI.A.No.1 of 2024, dated 20.02.2026, by the III Addl. Sessions Judge, Puducherry confirming the Judgement of conviction and sentence and order, dated 13.12.2023 made in C.C.No.356 of 2020 by the Chief Judicial Magistrate, Puducherry 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 and sentenced for the offence as follows:

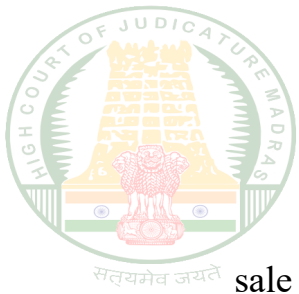
Petitioner	Conviction	Sentence
A1	U/s.420 IPC	To undergo Rigorous Imprisonment for three years and to pay a fine of Rs.10,000/-, in default, to undergo Simple Imprisonment for four weeks.
	Fine amount of Rs.10,000/-	Paid

3. 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 sentence and order.



WEB COPY

3. Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has filed the above CrI.RC.No.1204 of 2026 along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail.
4. This Court heard Mr. Swamisubramanian, the learned counsel for the Revision Petitioner and Mr.A. Alexander, the learned Government Advocate (Criminal Side), Puducherry 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 case of the prosecution is that the petitioner/A1 is alleged to have cheated the defacto complainant by stating that his father-Periyasamy was given Power of Attorney by one Anusuya in respect of selling Anusuya's property and executed a sale agreement with the defacto complainant to sell the property. Due to illness Periyasamy died and on behalf of Periyasamy, the petitioner/A1 received Rs.16,30,000/- from the defacto complainant on various dates by promising her to execute a



WEB COPY

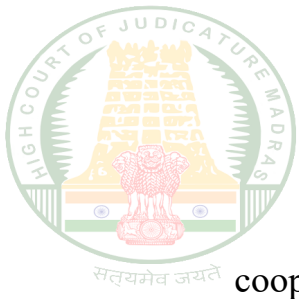
sale deed in respect of the property belonging to his Principal namely Anusuya. Subsequently, it was found that the said Anusuya died long back and hence, the registration was not executed. The petitioner/A1 failed to repay the amounts received by him. Hence, a case was registered against him along with A2 and A3 who facilitated for the alleged cheating. The trial court failed to see that the prosecution has marked no document or material to establish that the petitioner has received money. The evidence of PW1, in his evidence, has clearly admitted that the petitioner is neither a party, nor a witness to the sale agreement entered by PW1 with petitioner's deceased father. Also Power of Attorney was not marked by PW1. The petitioner has been falsely implicated in the present case due to some enmity. In the light of the above 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. Several other submissions have also been brought before this Court regarding illegality of the prosecution case. 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.



WEB COPY

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 and the petitioner has been in **jail from 06.05.2026**. 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



WEB COPY

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 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 appreciate the evidence on record and the judgment was 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,



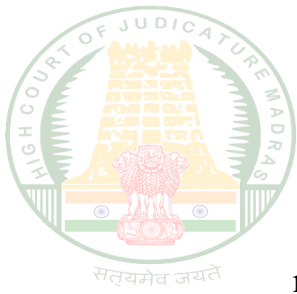
WEB COPY

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 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, **Agilan, Son of Periyasamy** on the following conditions:-

- i. The Revision Petitioner is ordered to be released on bail, on his executing a personal bond before the learned Chief Judicial Magistrate, Puducherry along with two sureties for a sum of **Rs.15,000/-** each, subject to furnishing 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



WEB COPY

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 Petitioner shall appear before the Chief Judicial Magistrate, Puducherry 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.

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.

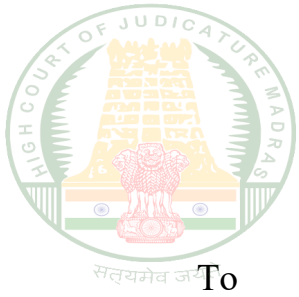
14. With the above directions, this Criminal Miscellaneous Petition is ordered.

17.06.2026
(2/2)

Index:Yes/No

Web:Yes/No

msr



To
WEB COPY

1. The Chief Judicial Magistrate, Puducherry
2. The III Addl. Sessions Judge, Puducherry.
3. The Inspector of Police,
Odiansalai Police Station.
4. The Public Prosecutor, High Court, Madras.
5. The Superintendent of Police,
Central Prison, Kalapet,
Puducherry.



WEB COPY



SHAMIM AHMED, J.

msr

Crl.M.P.No.9639/2026
in
Crl.RC.1204/2026

17.06.2026