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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.M.P.No.10085/2026

in

Crl.RC.1242/2026

Saravanan

Revision Petitioner

Vs

The State, by
the Inspector of Police,
Alagapuram Police Station,
Salem City
Cr.No.560/2022

Respondent

Prayer:- This Criminal Miscellaneous Petition has been filed, under Sections 438 & 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), praying to suspend the sentence, imposed on the Revision Petitioner, in Crl.A.No.11 of 2025, dated 28.04.2026, by the III Addl. District and Sessions Judge, Salem, confirming the Judgement of conviction and sentence and order, dated 03.12.2024 made in C.C.No.364 of 2023 by the Chief Judicial Magistrate Court, Salem till the disposal of the instant Criminal Revision Petition.

For Revision Petitioner : Mr.B.Vasudevan

For Respondent : Mr.M.Dinesh, Govt. Advocate (crl.side)



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ORDER

1. This Criminal Miscellaneous Petition has been filed, by the Revision Petitioner, praying to suspend the sentence in CrI.A.No.11 of 2025, dated 28.04.2026, by the learned III Addl. District and Sessions Judge, Salem, confirming the Judgement of conviction and sentence and order, dated 03.12.2024 made in C.C.No.364 of 2023 by the Chief Judicial Magistrate Court, Salem, 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
Sole accused	U/s.304 (A) IPC	To undergo Rigorous Imprisonment for six months and to pay a fine of Rs.1000/-, in default, to undergo Simple Imprisonment for two months.
	Fine amount of Rs.1000/-	Paid

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.

3. Challenging the above said judgement of conviction and sentence and



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order, the Revision Petitioner has filed the above CrI.RC.No.1242 of 2026 along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail.

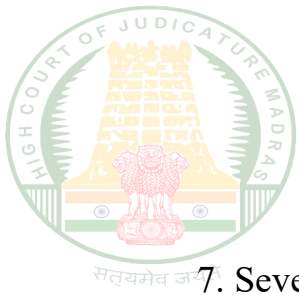
4. This Court heard Mr. B.Vasudevan, the learned counsel for the Revision Petitioner and Mr.M.Dinesh, the learned Government Advocate (Criminal Side), for the Respondent and considered their submissions and also perused materials placed before this Court.
5. The learned counsel for the Revision Petitioner has submitted that the case of the prosecution is that the petitioner who was proceeding in his motor cycle, is alleged to have dashed against behind the back of one Ramachandran who was moving with his motor cycle since the petrol tank was empty. Due to the accident, he sustained injuries and thereafter died in the hospital. He further submitted that PW1 and PW2 who are alleged to see the occurrence are known persons of the deceased. The occurrence took place 500 meters away from the police station and they did not go to police station and failed to give complaint, so the presence of PW1 and PW2 is doubtful. He further contended that the Doctor who admitted the deceased and the accused was not



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examined by the prosecution and the Doctor who conducted postmortem of the deceased was also not examined. In the light of the above infirmities and discrepancies in the evidence of the prosecution witnesses, observation mahazar, 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.

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 01.06.2026**. Thus, the learned counsel for the Revision Petitioner has prayed for suspension of sentence and bail, till the disposal of this Criminal Revision Petition.



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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.

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

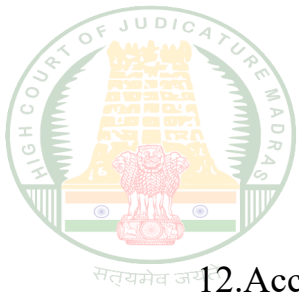


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Revision Petitioner as well as the learned Govt. Advocate (Criminal Side) for the Respondent, this Court is of the view that the Trial Court has failed to appreciate the evidence on record and the judgment was passed without considering the entire 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, 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.



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12. Accordingly, pending the Criminal Revision Case, the relief of

suspension of sentence and bail is granted to Revision Petitioner, namely, **Saravanan, Son of Selvam** 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 Court, Salem 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 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 Court, Salem 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.



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

19.06.2026
(2/2)

Index: Yes/No

Web: Yes/No

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To

1. The Chief Judicial Magistrate Court, Salem.
2. The III Addl. District and Sessions Judge, Salem
3. The Inspector of Police
Alagapuram Police Station,
Salem City.
4. The Public Prosecutor, High Court, Madras.
5. The Superintendent of Police,
Central Prison, Salem



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SHAMIM AHMED, J.

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