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CRL MP No. 10183 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

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THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 10183 of 2026

IN

CRL RC NO. 1253 OF 2026

Sakthivel
S/o.Kaveri,
D.No.4/47, Kottupotti Village,
Dokkubothanahalli Post,
Nallampalli Taluk,
Dharmapuri District.

..Petitioner(s)

Vs

State Rep.by, The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
Cr.No.183 of 2024.

..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 on the petitioner by the learned Additional District and Sessions Judge at Dharmapuri in Crl.A.No.39 of 2025 by Judgment dated 21.04.2026 by confirming the Judgment of the learned Judicial Magistrate, Additional Mahila Court at Dharmapuri in CC.No.27 of 2025 dated 03.09.2025 and enlarge the petitioner on bail, pending disposal of the Criminal Revision.

For Petitioner(s): Mr.Swamisubramanian

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

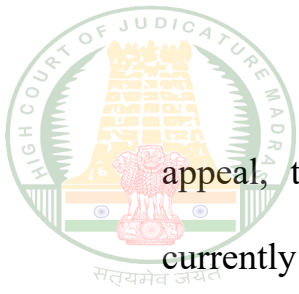


ORDER

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This Criminal Miscellaneous Petition has been filed, by the Revision Petitioner, praying to suspend the sentence, imposed on the Revision Petitioner, in C.A. No. 39 of 2025, dated 21.04.2026, by the learned Additional District and Sessions Court, Dharmapuri, confirming the Judgment of conviction and sentence and order, dated 03.09.2025, made in C.C. No. 27 of 2025, by the learned Judicial Magistrate, Additional Mahila Court, Dharmapuri, 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 Petitioner was convicted for the offences punishable under Section 126 of the Bharatiya Nyaya Sanhita (BNS), 2023, and sentenced to pay a fine of Rs. 1,000/-, in default to undergo one week Simple Imprisonment, and for the offence under Section 4 of the Tamil Nadu Prohibition of Woman Harassment (TNPHW) Act, sentenced to undergo six months Simple Imprisonment and imposed a fine of Rs. 10,00,00/- in default to undergo one month Simple Imprisonment. The separation and substantive sentence of simple imprisonment was ordered to run concurrently. The target judgment of conviction and sentence and order of the Trial Court was confirmed by the lower appellate Court, by its impugned judgment of conviction and sentence and order. It is submitted that during the trial and the subsequent



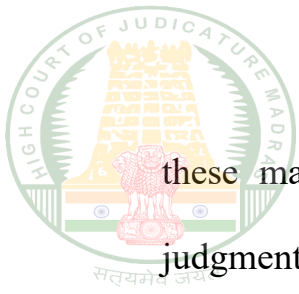
appeal, the petitioner's sentence was suspended, and the petitioner is not currently in jail.

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

4.This Court heard the learned counsel for the Revision Petitioner and the learned Government Advocate (Criminal Side) for the Respondent and considered their submissions and also perused materials placed before this Court.

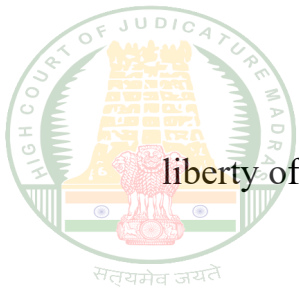
5.The learned counsel for the Revision Petitioner has submitted that the prosecution case rests on an alleged incident where the petitioner stalked, wrongfully restrained, and harassed the de facto complainant (PW1) while she was walking to her college. It is argued that the courts below failed to notice material contradictions in the complainant's testimony regarding the incident, as well as an unexplained delay in filing both the complaint and the subsequent FIR. Furthermore, it is contended that the independent public witnesses turned hostile, and the prosecution failed to examine any neutral local witnesses, relying instead on highly interested relatives to build their case. In the light of



these material infirmities and major contradictions, it was argued that the judgments passed by both the Courts below were based on surmises and conjectures without considering the entire crystal part of the 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 erroneous conclusion of criminal liability under the Special Act have also been touched upon at length. It has been assured on behalf of the Revision Petitioner that he has no bad antecedents, hails from a decent family background, 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



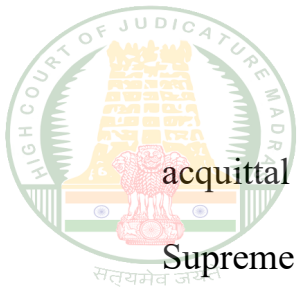
liberty of bail and will cooperate in disposal of Revision.

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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 judgments 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 properly appreciate the evidence on record regarding the unexplained procedural delays, the hostile testimonies of independent witnesses, and the material contradictions regarding the core assault, 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 Petitioner was on bail and the fine amounts have already been paid.

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 Petitioner has raised substantial grounds in the Revision, particularly concerning the reliability of the sole interested eye-witness and the omission of independent public witnesses, 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 the Revision Petitioner on the following conditions:-

i. The Revision Petitioner shall surrender before the Judicial Magistrate, Additional Mahila Court, Dharmapuri 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/- (Rupees fifteen thousand only) each, 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 a copy of their Aadhaar card or Bank pass Book to ensure their identity.

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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 Judicial Magistrate, Additional Mahila Court, Dharmapuri 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 his 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.

22-06-2026

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

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To

1. The Inspector of Police, Thoppur Police Station, Dharmapuri District.
2. The Additional District and Sessions Judge, Dharmapuri.
3. The Judicial Magistrate, Additional Mahila Court, Dharmapuri.
4. The Public Prosecutor, Madras High Court.



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SHAMIM AHMED, J.

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