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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

Crl.M.P.No.16368 of 2026
in
CRL RC No. 1874 of 2026
CNR:{HCMA011337892026}

Senthilkumar
S/o.Arumugam,
D.No.24/28, Arambapadasalai Street,
KG Palayam,
Alandurai,
Coimbatore.

..Petitioner(s)

Vs

1. State by Inspector of Police
Karunya Nagar Police Station,
Coimbatore.
2. Sathiskumar
(R2 impleaded as per the order of
this Court dated 05.11.2026)

..Respondent(s)

Petition filed under section 438 (1) of BNSS praying to suspend the sentence of 3 years simple imprisonment imposed on petitioner by the Judicial Magistrate No.5 of Coimbatore in C.C.No.1531 of 2020,dated 11.05.2023 and also confirmed by the 4th Addl. District and Session Court of Coimbatore in Criminal Appeal No.160 of 2023, dated 19.02.2026 pending disposal of the criminal revision before this Court.

For Petitioner(s): Mr. M.Saravanakumar

For Respondent(s): Mr. M. Dinesh,
Govt. Advocate (Crl side) for R1
Ms. D. Gowri for R2

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ORDER

This Criminal Miscellaneous Petition has been filed by the Revision Petitioner, praying to suspend the sentence, imposed on the Revision Petitioner in Crl.A.No.160 of 2023, dated 19.02.2026, by the IV Addl. District Sessions Court of Coimbatore, confirming the Judgement of conviction and sentence and order, dated11.05.2023 made in C.C.No.1531 of 202, by the Judicial Magistrate No.5, Coimbatore, till the disposal of the instant Criminal Revision Petition.

1. By the impugned judgement of conviction and sentence and order of the Trial Court, the Revision Petitioner was convicted and sentenced for the offences as follows:

Petitioner	Conviction	Sentence
Sole accused	U/s.294(b) of IPC	To undergo 3 months SI and to pay a fine of Rs.1000/-, in default in payment of fine, to undergo SI for one week.
	u/s.323 of IPC	To undergo one year SI and to pay a fine of Rs.1000/-, in default in payment of fine, to undergo SI for one week.
	U/S.326 of IPC	To undergo 3 years SI and to pay a fine of Rs.10,000/-, in default in payment of fine, to undergo SI for one month.
The sentences of imprisonment are ordered to run concurrently		

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2.Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has filed the above Crl.RC.No.1874 of 2026, along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail pending disposal of the Criminal Revision.

3.This Court heard Mr. M. Saravanakumar, the learned counsel for the Revision Petitioner and Mr.M.Dinesh, learned Govt. Advocate (crl.side) appearing for the 1st Respondent and Ms.D.Gowri, learned counsel appearing for the 2nd respondent/defacto complainant and considered their submissions and also perused materials placed before this Court.

4.The learned counsel for the Revision Petitioner has submitted that the case of the prosecution is that the petitioner is alleged to have abused the defacto complainant one Sathishkumar in a filthy language and also assaulted him with wooden log and also threatened him with dire consequences. Hence a case came to be registered against him under section 294(b), 323 and 326 and 506(ii) of IPC. Learned counsel for the petitioner submitted that PW3, PW5 and PW6 have turned hostile and PW4 has not supported the ingredients of offence under section 326 of IPC and the right of cross examination is not provided to the appellant in a fair manner. In this case, PW1 /defacto complainant, in his chief examination did not depose about the use of weapon used by the Revision Petitioner, hence the revision petitioner is not liable for convicion under section 326 of IPC. In the light of the above infirmities and discrepancies in the evidence of the prosecution witnesses,

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both the Courts below have failed to consider that the prosecution has not proved its case beyond any doubt. It was further argued that the learned Trial Court as well as appellate Court also failed to notice the discrepancies in the deposition of witnesses and the crystal part of the evidences was not at all assessed by both the Courts below 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.

5.It is further argued that due to the 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 the petitioner is now confined in jail and 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.

6.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

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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.

7.The learned Government Advocate (Criminal Side) for the 1st Respondent and the learned counsel for the 2nd respondent have 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.

8.Considering the arguments advanced by the learned counsel for the Revision Petitioner as well as the learned counsel appearing for the Respondents, 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 place before it and during the Trial the Revision Petitioner was also on bail **and now the petitioner is in jail from 28.10.2026.**

9.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.

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10.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 and the petitioner has been now confined in prison. 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.

11.Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to Revision Petitioner, namely- **Senthilkumar, Son of Arumugam** on the following conditions:-

i. The Revision Petitioner is ordered to be released on bail, on his executing a bond before the learned Judicial Magistrate No.5, Coimbatore 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 amount, if any, shall also remain suspended during the pendency of the present Revision.

iv. The Petitioner shall appear before the Judicial Magistrate No.5, Coimbatore once in every month, ie., on the 3rd day of every month commencing from the month of December 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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With the above directions, this Criminal Miscellaneous Petition is ordered.

05.11.2026
2/2

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation
msr

To
1.The IV Addl. District Sessions Court, Coimbatore

2.The Judicial Magistrate No.5, Coimbatore

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor, Madras High Court.

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