WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 16242 of 2025
IN
CRL RC NO. 1575 OF 2025

K. Kumar
S/o. Kannan,
17/27, South North Street,
Vannaraplayam,
Cuddalore District.

..Petitioner(s)

Vs

The Sub Inspector of Police
District Crime Branch,
Cuddalore.
Crime No.62/2005.

..Respondent(s)

CRL RC No. 1575 of 2025

K. Kumar
S/o. Kannan,
17/27, South North Street,
Vannaraplayam,
Cuddalore District.

Appellant(s)

Vs

The Sub Inspector of Police
District Crime Branch,
Cuddalore.
Crime No.62/2005. Respondent(s)

CRL MP No. 16242 of 2025

To suspend the sentence of imprisonment imposed in the judgement dated 13.04.2023 made in C.C.No.85 of 2008 on the file of the Judicial Magistrate, NO.III, Cuddalore and the same was confirmed by judgement dated 07.07.2025 made in C.A.No.38 of 2023 on the file of the

https://www.mhc.tn.gov.in/judis

WEB COPY

Principal Sessions Judge, Cuddalore, Cuddalore and enlarge the petitioner on bail pending disposal of the above Criminal Revision petition before this Honble Court.

CRL RC No. 1575 of 2025

To set aside the conviction imposed in the judgement dated 13.04.2023 made in C.C.No.85 of 2008 on the file of the Judicial Magistrate, NO.III, Cuddalore and the same was confirmed by judgement dated 07.07.2025 made in C.A.No.38 of 2023 on the file of the Principal Sessions Judge, Cuddalore, Cuddalore District by allowing this Criminal Revision Petition.

For Petitioner(s): Mr.M.Velmurugan
for Ms.V.S.Srimathi

For Respondent(s): Mr.M.Dinesh,GA (crl.side)

ORDER

1.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.38 of 2023, dated 07.07.2025, by the Principal Sessions Judge, Cuddalore, Cuddalore, confirming the Judgement of conviction and sentence and order, dated 13.04.2023 made in C.C.No.85 of 2008, by the Judicial Magistrate No.III, Cuddalore, 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 offences as follows:

https://www.mhc.tn.gov.in/judis

WEB COPY

Petitioner	Conviction	Sentence
A1	U/s.182 of IPC	To pay a fine of Rs.1000/-, in default, to undergo SI for one week.
	u/s.465 IPC	To undergo SI for one year
	u/s.468 IPC	To undergo SI for two years and to pay a fine of Rs.2000/-, in default, to undergo SI for 15 days
	u/s.420 r/w.511 IPC	To undergo SI for two years and to pay a fine of 2000, i9n default, to undergo SI for 15 days

3.Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has filed Crl.A.No.38 of 2023 before the Principal Sessions Judge, Cuddalore District, Cuddalore, wherein, the judgment of conviction and sentence imposed by the trial court was confirmed vide its judgment dated 07.07.2025. Against the judgment passed by the lower appellate court, the petitioner has preferred the above Crl.RC.No.1575 of 2025, along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail pending disposal of the Criminal Revision.

4.This Court heard Mr.M.Velmurugan, the learned counsel for the Revision Petitioner and Mr.M.Dinesh, learned counsel 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 A1 on 25.06.2003, while riding motor cycle, met with a road accident and sustained grievous injuries, but . inspite of it, the accused 1 to 3 had managed to lodge a

https://www.mhc.tn.gov.in/judis

WEB COPY

false complaint as if on 25.06.2003 at 10.30 P.M., at Koothapakkan Main Road, near Murugalaya Kalyana Mandapam, the 3rd accused Janakiraman was riding a motor cycle bearing Regn.No.PY-01-P-3851 and thus by impersonation managed to lodge a false complaint through the 2nd accused Prakash and also filed a Motor Accident Claim Petition for a sum of Rs.7,00,000/- as compensation in a fraudulent manner and thus, Al to A3 are charged for the offence u/sec.l82, 419, 465, 468, 420 r/w 511 of IPC . The petitioner herein is A1. Learned counsel for the petitioner submitted that the complaint of Insurance Company was lodged based on the investigation done by one Nagarajan which is not filed by the prosecution before the trial court and this fact was not considered by the trial court. The entire case proceeded against the petitioner based on EX-P-5 is a doctor certificate which does not corroborated with any other witness regarding the allegation that the alleged accident was happened in a different place from the place mentioned by the petitioner in his claim petition and absolutely no witness was examined by the prosecution to prove the fact regarding false accident claim of the petitioner . In the light of the above infirmities and discrepancies in the evidence of the prosecution witnesses, both the Courts below have failed to consider that the prosecution has not proved its case beyond any doubt.

6. 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

https://www.mhc.tn.gov.in/judis

WEB COPY

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.

7.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 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.

8.He further submitted that during the pendency of the trial as well as during the appeal, the petitioner was already on bail and he was only arrested during the pendency of this Revision, i.e., on 14.10.2026 and he is now confined in Prison, Cuddalore District. Thus, the learned counsel for the Revision Petitioner has prayed for suspension of sentence and bail, till the disposal of this Criminal Revision Petition.

9.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

https://www.mhc.tn.gov.in/judis

WEB COPY

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.

10. The learned Government Advocate (Criminal Side) for the Respondent by filing detailed counter, 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.

11. Considering the arguments advanced by the learned counsel for the Revision Petitioner as well as the learned counsel appearing 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 place before it and during the Trial the Revision Petitioner was also on bail **and now the petitioner is in jail since 14.10.2026.** Even in the counter filed by the prosecution, there is no whisper about the previous history of the petitioner.

12. 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

https://www.mhc.tn.gov.in/judis

WEB COPY

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.

13. 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.

14. Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to Revision Petitioner, namely, **K. Kumar, S/o.Kannan** 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.III, Cuddalore 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.III, Cuddalore once in every month, ie., on the 3rd day of every month

https://www.mhc.tn.gov.in/judis

WEB COPY

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.

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

12-11-2026

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

MSR

To

1. The Judicial Magistrate No.III, Cuddalore

2. The Principal Sessions Judge, Cuddalore,
Cuddalore.

3. The Sub Inspector of Police
District Crime Branch,
Cuddalore.

4. The Superintendent,
Cuddalore District Prison,
Cuddalore.

https://www.mhc.tn.gov.in/judis

WEB COPY

SHAMIM AHMED, J.

MSR

CRL MP No. 16242 of 2025
IN
CRL RC NO. 1575 OF 2025

12-11-2026

https://www.mhc.tn.gov.in/judis