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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

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THE HON'BLE MR.JUSTICE SHAMIM AHMED

CNR:{HCMA012269452026}

CRL MP NO. 20724 OF 2026

in

CRL RC No. 2451 of 2026

Saravanan

..Petitioner(s)

Vs

State Rep by its, Inspector of Police
C-1, Kattur Police Station,
Coimbatore District.
Crime No.125 of 2018

..Respondent(s)

PRAYER:To suspend the sentence imposed on 30.07.2026 made in Crl.A.No.240 of 2024 on the file of the IV Additional District and Sessions Court, at Coimbatore by confirming the Judgment dated 24.04.2024 in C.C.No.109 of 2018, on the file of the Learned Judicial Magistrate No.II, at CoimbatoRe and enlarge the Petitioner on bail and pending disposal of the Crl.R.C.No.2451 of 2026**.**

For Petitioner(s): Mr. S.Senthilvel

For Respondent(s): Mr. M. Dinesh, Government Advocate (Criminal side).

ORDER

This Criminal Miscellaneous Petition has been filed by the Revision Petitioner seeking suspension of the sentence imposed upon him in C.C.No.109

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of 2018, dated 24.04.2024, by the learned Judicial Magistrate No.II, Coimbatore, as confirmed by the learned IV Additional District and Sessions Judge, Coimbatore, in C.A.No.240 of 2024, dated 30.07.2026, and to enlarge him on bail pending disposal of the Criminal Revision Case.

2.By the judgment of conviction and sentence passed by the learned Trial Court, the Revision Petitioner was convicted for the offence under Section 326 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for one month. The period of detention already undergone by the Revision Petitioner was directed to be set off under Section 428 of the Code of Criminal Procedure. The said conviction and sentence were confirmed by the learned Appellate Court.

3.Aggrieved by the concurrent judgments of the Courts below, the Revision Petitioner has preferred the above Criminal Revision Case along with the present Criminal Miscellaneous Petition seeking suspension of sentence and enlargement on bail pending disposal of the Revision.

4.This Court heard the learned counsel appearing for the Revision Petitioner and perused the materials placed on record.

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5.The learned counsel for the Revision Petitioner submitted that the prosecution case arose out of an alleged occurrence on 27.01.2018, during which the complainant sustained an injury in an altercation near a hotel in Coimbatore. It is contended that the prosecution initially registered the case under Section 324 of the IPC and subsequently altered the offence to Section 326 of the IPC. According to the learned counsel, the Courts below failed to properly appreciate the evidence and the material contradictions in the testimonies of the prosecution witnesses.

6.The learned counsel further submitted that the prosecution failed to establish the nature and gravity of the alleged injury, as the Accident Register, wound certificate and CT scan report were not marked in evidence. It is also contended that the medical officer who initially examined the injured person was not examined and that the evidence of PW-4, who had no personal knowledge of the initial examination, was insufficient to establish the nature of the injury. The learned counsel further pointed out the alleged delay in forwarding the FIR to the jurisdictional Magistrate and submitted that the same remained unexplained.

7.It was also contended that the testimonies of PW-1 and PW-2 suffer

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from material contradictions, particularly regarding the identity of the assailant, and that the alleged recovery of the weapon was not established in accordance with law. The learned counsel submitted that the Revision Petitioner has raised substantial grounds in the Revision which require detailed consideration and that the Revision is not likely to be taken up for final hearing in the immediate future.

8.The learned counsel further submitted that the Revision Petitioner was arrested on 29.01.2018 and released on bail on 30.01.2018, having undergone approximately two days of custody. It is stated that the present petition is the first application for suspension of sentence before this Court and that the Revision Petitioner has paid the fine amount imposed by the Trial Court. The Revision Petitioner undertakes to abide by any conditions imposed by this Court and to cooperate with the disposal of the Revision.

9.Having considered the submissions advanced on behalf of the Revision Petitioner and the materials available on record, this Court is of the view that the Revision Petitioner has raised arguable grounds which warrant consideration at the time of final hearing of the Criminal Revision Case. The contentions regarding the proof of the nature of the injury, the medical evidence, the alleged delay in forwarding the FIR and the appreciation of the testimony of the

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prosecution witnesses require detailed examination in the Revision.

10.At this interlocutory stage, this Court is not inclined to express any concluded opinion on the merits of the grounds raised in the Criminal Revision Case. However, having regard to the sentence imposed, the fact that the Revision Petitioner was on bail during the trial, the period of custody already undergone, and the likelihood that the Revision may not be taken up for final hearing in the immediate future, this Court is of the view that the petitioner has made out a case for suspension of sentence.

11.Accordingly, the Criminal Miscellaneous Petition is allowed, and the sentence imposed upon the Revision Petitioner in C.C.No.109 of 2018, dated 24.04.2024, as confirmed in C.A.No.240 of 2024, dated 30.07.2026, is suspended pending disposal of the Criminal Revision Case, subject to the following conditions:

(i) The Revision Petitioner shall surrender before the learned Judicial Magistrate No.II, Coimbatore, within three weeks from the date of receipt of a copy of this order and, on such surrender, shall be released on bail upon executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only), together with two sureties for a like sum, to the satisfaction of the learned Judicial Magistrate.

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(ii) The Revision Petitioner and the sureties shall affix their photographs and left thumb impressions in the bail bond. The learned Judicial Magistrate shall obtain copies of their Aadhaar cards or other appropriate identity documents to ensure their identity.

(iii) The Revision Petitioner shall appear before the learned Judicial Magistrate No.II, Coimbatore, once every month, on the first working day of every month at 10.30 a.m., until further orders.

(iv) Upon acceptance of the bail bond and sureties, the learned Judicial Magistrate shall transmit copies thereof to this Court for being kept on record in the Criminal Revision Case.

(v) The realization of the fine amount, if any, shall remain suspended during the pendency of the Criminal Revision Case, subject to the condition that the fine amount has been paid as stated by the learned counsel for the Revision Petitioner.

12.It is made clear that the observations made herein are confined to the disposal of the present Criminal Miscellaneous Petition and shall not influence the final adjudication of the Criminal Revision Case on its merits.

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

30-10-2026

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To

1.The learned Judicial Magistrate No.II, Coimbatore

2. The IV Additional District and Sessions Court, at Coimbatore

3. The Inspector of Police,
C-1, Kattur Police Station,
Coimbatore District.

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