WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 20802 of 2026
IN
CRL RC NO. 2457 OF 2026

Mahendramani
S/o Madhu,
No.1/174, Anna Nagar,
Thumbal, Attur Taluk,
Salem District.

..Petitioner(s)

Vs

State Rep By, The Sub-Inspector of Police
District Crime Branch,
Salem District.
Crime No. 21 of 2015

..Respondent(s)

To Suspend the Sentence imposed upon the petitioner in CC No. 210 of 2018 on the file of the learned Judicial Magistrate No. VI at Salem, as confirmed by the Judgment dated 27-9-2023 in C.A. No. 194 of 2023, dated 18-9-2026 on the file of the learned I Additional District and Sessions Judge, Salem, and enlarge me on bail pending disposal of the above Criminal Revision Case and thus render justice.

For Petitioner(s): Mr.N. Nagarjuna

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

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

WEB COPY

ORDER

This Criminal Miscellaneous Petition has been filed by the Revision Petitioner, praying to suspend the sentence imposed on him in C.A.No.194 of 2023, dated 18.09.2026, by the learned I Additional District and Sessions Judge, Salem, confirming the judgment of conviction and sentence, dated 27.09.2023, made in C.C.No.210 of 2018, by the learned Judicial Magistrate No.VI, Salem, till the disposal of the instant Criminal Revision Petition.

2.By the impugned judgment of conviction and sentence passed by the Trial Court, the Revision Petitioner was convicted and sentenced for the offences as follows:

- Under Section 109 read with Section 468 IPC, to undergo Rigorous Imprisonment for a period of three years and to pay a fine of Rs.5,000/-, in default, to undergo Rigorous Imprisonment for a further period of one month.
- Under Section 471 IPC, to undergo Rigorous Imprisonment for a period of one year.
- Under Section 420 IPC, to undergo Rigorous Imprisonment for a period of one year.

The substantive sentences were ordered to run concurrently. The said judgment of conviction and sentence was confirmed by the lower Appellate Court.

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

WEB COPY

3.Challenging the above said judgment of conviction and sentence, 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 Mr.N. Nagarjuna, learned counsel for the Revision Petitioner and the learned Government Advocate (Criminal Side) for the Respondent and considered their submissions and also perused the materials placed before this Court.

5.The learned counsel for the Revision Petitioner submitted that the Courts below failed to properly appreciate the evidence on record, particularly with regard to the alleged confession of Accused No.2 recorded during police investigation and the reliance placed upon the same to establish the petitioner's alleged participation in the fabrication of the disputed certificate. It is further submitted that the Courts below failed to independently examine the ingredients of the offences punishable under Sections 109 read with 468, 471 and 420 IPC and the evidence relating to the alleged abetment and use of the disputed certificate as genuine. The learned counsel further contended that the findings of the Courts below suffer from improper appreciation of evidence and that the petitioner has raised substantial and arguable grounds in the Criminal Revision Case.

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

WEB COPY

6.It is further argued that the petitioner has a fair chance of success in the Criminal Revision Case and that, due to the pendency of criminal cases before this Court, the Revision is not likely to be taken up for final hearing in the near future. The learned counsel submitted that the petitioner has a permanent residential address and is ready to abide by any condition that may be imposed by this Court. Hence, the learned counsel prayed for suspension of sentence and grant of bail pending disposal of the Criminal Revision Case.

7.Several other submissions, in order to demonstrate the erroneous appreciation of evidence by the Courts below, have also been placed before this Court. The circumstances which, according to the learned counsel, resulted in the erroneous conclusion regarding the petitioner's alleged involvement in the offences have also been touched upon. 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. The Revision Petitioner undertakes that, in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the disposal of the Revision.

8.The learned Government Advocate (Criminal Side) appearing for the Respondent opposed the arguments advanced by the learned counsel for the Revision Petitioner and submitted that the judgments passed by the Courts below are in accordance with law, after considering the entire evidence and

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

WEB COPY

materials available on record. Hence, the learned Government Advocate prayed that the relief sought for by the Revision Petitioner may be refused by this Court.

9.Considering the arguments advanced by the learned counsel for the Revision Petitioner as well as the learned Government Advocate (Criminal Side) for the Respondent, this Court is of the view that the Revision Petitioner has raised certain arguable grounds, particularly with regard to the admissibility and evidentiary value of the alleged confession of Accused No.2, the proof of the alleged abetment and the appreciation of evidence relating to the offences for which he was convicted. These aspects require detailed consideration at the time of final hearing of the Criminal Revision Case. This Court also takes note of the fact that the maximum substantive sentence imposed upon the petitioner is three years and that the substantive sentences have been ordered to run concurrently. It is also submitted that the fine amount has 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, the Courts should not shy away from granting suspension of sentence, as the liberty of the individual would be at stake if the Revision ultimately results in acquittal. 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.

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

WEB COPY

11.The Revision Petitioner has raised substantial grounds in the Criminal Revision Case, 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 disposal of the Criminal Revision Case, the sentence imposed on the Revision Petitioner is suspended and he is ordered to be released on bail on the following conditions:-

i. The Revision Petitioner shall surrender before the learned Judicial Magistrate No.VI, Salem, within a period of 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, to the satisfaction of the learned Judicial Magistrate No.VI, Salem, subject to furnishing an undertaking that he will cooperate in the hearing of the present Criminal Revision Case.

ii. The Revision Petitioner and the 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 Passbook to ensure their identity.

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

WEB COPY

iii. The petitioner shall appear before the learned Judicial Magistrate No.VI, Salem, once in every month, i.e., on the 3rd day of every month at 10.30 a.m., commencing from the month of December, until further orders.

iv. On acceptance of his bail bonds and sureties, the Trial Court shall transmit photostat copies thereof to this Court for being kept on the records of this Criminal Revision Case.

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

05-11-2026

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

SHA

To

1.The Judicial Magistrate No. VI at Salem,

2.The I Additional District and Sessions Judge, Salem.

3. The Sub-Inspector of Police
District Crime Branch,
Salem District.

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

WEB COPY

SHAMIM AHMED, J.

SHA

CRL MP No. 20802 of 2026
IN
CRL RC NO. 2457 OF 2026

05-11-2026

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