



Crl.M.P.Nos.59, 439, 358, 445, 434 & 418 of 2026
in Crl.RC.Nos.16, 60, 48, 63, 58 and 55 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.Nos.59, 439, 358, 445, 434, 418, 359, 437, 440, 446, 60 & 419 of
2026
in
Crl.RC.Nos.16, 60, 48, 63, 58 and 55 of 2026

S.Prabhu

...Petitioner in all cases

Vs.

The State rep by
The Inspector of Police,
Central Crime Branch,
St.Thomas Mount,
Chennai – 16.
(Crime No.24 of 2000)

...Respondent in all cases

Common Prayer in Crl.M.P.Nos.59, 439, 358, 445, 434 & 418 : Criminal Miscellaneous Petitions have been filed under Section 438(1) of BNSS praying to suspend the sentence imposed on the petitioner in C.C.Nos.350, 352, 347, 351, 349 & 348 of 2005 dated 05.07.2022 on the file of Judicial Magistrare No.1,Poonamallee and confirmed in Criminal Appeal Nos.79, 81, 76, 80, 78 & 77 of 2022 on the file of the II Additional District and Sessions Court, Tiruvallur @ Poonamallee by judgment dated 26.09.2025 and release the petitioner on bail pending the disposal of the above criminal revisions.

Common Prayer in Crl.M.P.Nos.359, 437, 440, 446, 60 & 419 of 2026: Criminal Miscellaneous Petitions have been filed under Section 528 of BNSS,



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2023 praying to exempt the petitioner from surrendering before the trial Court in C.C.Nos.350, 352, 347, 351, 349 & 348 of 2005 on the file of Judicial Magistrate No.I, Poonamallee by a judgment dated 05.07.2022, pending disposal of the above revisions.

In all cases

For Petitioner : Mr.K.Balasubramanian
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The petitioner has preferred the above revisions challenging the judgment passed by the learned II Additional District and Sessions Court, Tiruvallur @ Poonamallee, in Crl.A.Nos.79, 81, 76, 80, 78 & 77 of 2022 dated 26.09.2025, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Sections 409 of IPC and sentenced him to undergo one year Rigorous Imprisonment and to pay compensation of Rs.49,000/- and in default to undergo six months simple imprisonment and for the offence under Section 477-A of IPC and sentenced him to undergo one year Rigorous Imprisonment and to pay compensation of Rs.5,000/- and in default to undergo six months simple imprisonment. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the



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above revisions.

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2. It is the case of the prosecution that that the petitioner was employed as assessor in the Office of Junior Engineer O & M Distribution Agramel Village, Nazarathpet, Poonamallee from 19.10.1996 to 15.03.2020. During the period from 16.10.1999 to 15.12.1999, the petitioner in his capacity as an assessor had misappropriated various amounts from the customers and failed to deposit the same in the bank account, thereby, committed misappropriation. The details of the misappropriated amounts are tabulated hereunder:

S.No.	Case Nos.	Amount misappropriated
1.	Crl.M.P.No.59 of 2026 in Crl.R.C.No.16 of 2026	Rs.49,000/-
2.	Crl.M.P.No.439 of 2026 in Crl.R.C.No.60 of 2026	Rs.1,50,000/-
3.	Crl.M.P.No.358 of 2026 in Crl.RC.No.48 of 2026	Rs.1,03,856/-
4.	Crl.M.P.No.445 of 2026 in Crl.R.C.No.63 of 2026	Rs.39,000/-
5.	Crl.M.P.No.434 of 2026 in Crl.R.C.No.58 of 2026	Rs.49,000/-
6.	Crl.M.P.No.418 of 2026 in Crl.R.C.No.55 of 2026	Rs.34,000/-

3. The learned counsel for the petitioner would submit that the prosecution has not proved the misappropriation by producing the relevant records i.e., the Remittance Register, Scroll Register and Assessor Register. Since these registers would falsify the prosecution case, the impugned judgments convicting the petitioner in the absence of those registers are liable to be set aside. He would submit that the petitioner has raised substantial



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grounds in the above revisions which requires consideration.

4. Heard the learned counsel on either side and perused the materials available on record.

5. It is seen that the petitioner was prosecuted in 14 cases and he was acquitted in eight cases for want of evidence. The submissions made by the learned counsel for the petitioner requires consideration. On a perusal of the judgments and grounds raised, this Court is of the view that there are substantial grounds raised in the above revision. The petitioner is in custody from 11.02.2026. Hence, this Court is inclined to suspend the sentence imposed on the petitioner, subject to the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Poonamallee which shall be common for all the cases. The learned Magistrate may not insist upon providing separate sureties for each of the cases;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond



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and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

6. Accordingly, Crl.MP.Nos.59, 439, 358, 445, 434 & 418 are ordered.

However, insofar as Crl.MP.Nos.359, 437, 440, 446, 60 & 419 of 2026, the petitioner has surrendered on 11.02.2026, hence the said petitions seeking exemption of the petitioner from surrendering before the trial Court in C.C.Nos.350, 352, 347, 351, 349 & 348 of 2005 on the file of Judicial Magistrate No.I, Poonamallee is dismissed.

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- 1.The Judicial Magistrare No.1,Poonamallee
- 2.The II Additional District and Sessions Court, Tiruvallur @ Poonamallee
- 3.The Public Prosecutor,
High Court, Madras.
4. Central Prison, Puzhal.



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SUNDER MOHAN, J.

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