



Crl.MP(MD)No.2498 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.02.2026**

CORAM

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

Crl.MP(MD)No.2498 of 2026

in

Crl.RC.(MD)No.213 of 2026

Vetrivel

... Petitioner

Vs.

The State of Tamil Nadu,
Represented through,
The Sub Inspector of Police,
District Crime Branch Police Station,
Thoothukudi.

... Respondent

Prayer in Crl.M.P(MD)No.2498 of 2026:

To suspend the sentence imposed upon Petitioner by Judicial Magistrate No.II, Thoothukudi in C.C.No.7 of 2017, dated 07.01.2023, confirmed by Principal Sessions Judge, Thoothukudi in C.A.No.12 of 2023, dated 11.09.2025, till the disposal of the main appeal and enlarge the petitioner on bail.

For Petitioner : Mr.S.M.Mohan Gandhi

For Respondent : Mr.M.Karunanithi
Government Advocate



CrLMP(MD)No.2498 of 2026

WEB COPY

ORDER

Heard Mr.S.M.Mohan Gandhi, learned Counsel for Revision Petitioner and Mr.M.Karunanithi, learned Government Advocate for Respondent.

2. Criminal Miscellaneous Petitions has been filed praying to suspend the sentence imposed upon petitioner by Judicial Magistrate No.II, Thoothukudi in C.C.No.7 of 2017, dated 07.01.2023, which was confirmed by Principal Sessions Judge, Thoothukudi in C.A.No.12 of 2023, dated 11.09.2025.

3. Learned counsel for Petitioner would submit that Petitioner was convicted and sentenced by Judicial Magistrate No.II, Thoothukudi in C.C.No.7 of 2017 vide order dated 07.01.2023, as follows:

(i) to undergo 1 year rigorous imprisonment and to pay fine of Rs.1000/-, in default, to undergo three months simple imprisonment, for offence under Section 466 of IPC;



Crl.MP(MD)No.2498 of 2026

WEB COPY (ii) to undergo 1 year rigorous imprisonment and to pay fine of Rs.1000/-, in default, to undergo three months simple imprisonment, for offence under Section 468 of IPC; and

(iii) to undergo 1 year rigorous imprisonment and to pay fine of Rs.1000/-, in default, to undergo three months simple imprisonment, for offence under Section 471 of IPC

3.1. Aggrieved, Petitioner filed criminal appeal in Crl.A.No.12 of 2023 before Principal Sessions Judge, Thoothukudi and the lower Appellate Court, by the judgment dated 11.09.2025 dismissed the appeal confirming the judgment passed by Trial Court. Aggrieved, Petitioner filed Crl.R.C.(MD)No.213 of 2026 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

3.2. Learned Counsel for Petitioner would submit that Petitioner has a good case *inter alia* stating that the Investigating Officer had sent the signatures of Petitioner and PW2 for obtaining expert opinion; however, the expert was neither examined nor was the expert opinion



Crl.MP(MD)No.2498 of 2026

produced and marked as an exhibit. He would therefore submit that the benefit of doubt ought to have been extended to petitioner.

3.3. Learned Counsel for petitioner would further submit that petitioner has raised substantial grounds in above revision, which requires consideration. Hence, he prayed for granting suspension of sentence and bail to petitioner.

4. Learned Government Advocate appearing for Respondent opposed the submissions of learned counsel for Petitioner and submitted that judgments passed by Courts below are as per law after considering the entire evidence, thus the relief sought by Petitioner at this stage be refused by this Court.

5. Considering the fact that there are arguable points raised in revision and taking into consideration, facts and circumstances of the case and that it is also likely to take a while before the revision is finally heard¹, this Court is inclined to grant suspension of sentence and bail to

¹ Atul Alias Ashutosh vs State of Madhya Pradesh, (2024) 3 SCC 663



CrLMP(MD)No.2498 of 2026

Petitioner, on the following conditions, till the disposal of above

Criminal Revision:

i) Petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of Principal Sessions Judge, Thoothukudi.

ii) 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) Petitioner shall appear and sign before Principal Sessions Judge, Thoothukudi, on the first working day of every month at 10.30 a.m., until the disposal of revision;

iv) In case, Petitioner is not able to appear before the said Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. (corresponding to 355 B.N.S.S) and shall appear before the said Court on any other day in lieu of the date of his absence, as directed by the said Court.



CrLMP(MD)No.2498 of 2026

WEB COPY

6. Accordingly, this Criminal Miscellaneous Petition is **ordered**.

05.02.2026

Nsr

To:

- 1.The Principal Sessions Judge, Thoothukudi.
- 2.The Judicial Magistrate No.II, Thoothukudi.
- 3.The Sub Inspector of Police,
District Crime Branch Police Station,
Thoothukudi.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.

Copy To:

Central Prison, Palayamkottai.



WEB COPY



CrI.MP(MD)No.2498 of 2026

MOHAMMED SHAFFIQ, J.

Nsr

Order made in
CrI.MP(MD)No.2498 of 2026
in
CrI.RC.(MD)No.213 of 2026

Dated: 05.02.2026