



CRL MP(MD). Nos.1976 & 1977 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : **02/02/2026**

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**THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ**

CRL MP(MD). Nos.1976 & 1977 of 2026  
in  
CRL RC(MD)No.164 of 2026

1. P.Jayaraman  
2. S. Jayakumar

... Petitioners

Vs

The State of Tamilnadu  
Rep by The Inspector of Police  
District Crime Branch  
Thanjavur.  
Crime No.4/2024.

... Respondent

**PRAYER in Crl.M.P.(MD).No.1976 of 2026 :-**

To Suspend the sentence passed against the petitioner in Crl.A No.143 of 2023 dated 20.01.2026 on the file of II Addl District and Sessions Judge, Thanjavur confirming the judgment and sentence passed in CC No.133/2009 dated 10.05.2023 on the file of the Judicial Magistrate No.I, Thanjavur.

**PRAYER in Crl.M.P.(MD).No.1977 of 2026 :-**

To Exemption for surrendering before the trial court in Crl.A No. 143/2023 dated 20.01.2026 on the file of II Addl District and Sessions Judge, Thanjavur against the judgment in CC.No.133/2009, dated 10.05.2023 on the file of the Judicial Magistrate No.I, Thanjavur.



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For Petitioners : Mr.M.Jayakumar

For Respondent : Mr.A.Thiruvadikumar  
Additional Public Prosecutor

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### **ORDER**

Heard Mr.M.Jayakumar, learned Counsel for petitioners and Mr.A.Thiruvadikumar, learned Additional Public Prosecutor appearing for respondent.

2. Criminal Miscellaneous Petitions have been filed, praying to suspend the sentence imposed on petitioners by Judicial Magistrate No.I, Thanjavur, in C.C.No.133 of 2009 vide order dated 10.05.2023, which was confirmed by learned II Additional District and Sessions Judge, Thanjavur in CrI.A.No.143 of 2023, vide order dated 20.01.2026 and to exempt the petitioners from surrendering before the Court below.

3.Learned counsel for petitioners would submit that petitioners were convicted by Judicial Magistrate No.I, Thanjavur, for offences punishable under Sections 466, r/w.109 of IPC & Section 471 of IPC in C.C.No.133 of 2009 dated 10.05.2023 and sentenced as follows:



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(i) 1<sup>st</sup> accused to undergo two years Simple imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months simple imprisonment for offence under section 466 r/w.109 of IPC.

(ii) 1<sup>st</sup> accused to undergo two years Simple imprisonment and to pay fine of Rs.5,000/-, in default, to undergo six months simple imprisonment for offence under section 471 of IPC.

(iii) 2<sup>nd</sup> accused to undergo two years Simple imprisonment and to pay fine of Rs.5,000/-, in-default, to undergo six months simple imprisonment for offence under Section 466 of IPC.

4. Aggrieved, petitioners filed Criminal Appeal No.143 of 2023, before II Additional District & Session Court, Thanjavur and the lower Appellate Court vide order dated 20.01.2026, dismissed the appeal and confirmed the judgment passed by Trial Court. Aggrieved, petitioners filed present Criminal Revision Petition in CrI.RC(MD)No.164 of 2026 before this Court along with instant miscellaneous petitions seeking suspension of sentence, bail and exemption from surrender.



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5. Learned Counsel for petitioner would submit that the lower appellate court failed to appreciate the fact that there was a delay in preferring the complaint, forwarding the FIR and relevant records to the Court, and the prosecution did not explain the reason for such delay. There are material discrepancies and inconsistencies in the prosecution witnesses. That apart, the entire loan amount for which the accused stood as guarantors had already been paid.

6. Learned Counsel for petitioners would further submit that petitioners have raised substantial grounds in the above revision, which requires consideration. He would further submit that petitioners have also paid fine amount as per the order of the trial Court. Hence, he prayed for granting suspension of sentence and bail to petitioners.

7. Learned Additional Public Prosecutor appearing for respondent opposed the submissions of learned counsel for petitioners and submitted that judgments passed by Courts below are as per law after considering the entire evidence, thus the relief sought by petitioners at this stage be refused by this Court.



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8.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 heard<sup>1</sup>, this Court is inclined to grant suspension of sentence, bail and exempt the petitioners from surrendering before the trial court, on the following conditions, till the disposal of above Criminal Revision:

i) Petitioners are directed to be enlarged on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.I, Thanjavur.

ii) Petitioners 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) Petitioners shall appear and sign before the Judicial Magistrate No.I, Thanjavur, on the first working day of every month at 10.30 a.m., until the disposal of revision;

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



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iv) In case, the petitioners are not able to appear before the said Court on any day, they 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 their absence, as directed by the said Court.

9. Accordingly, these Criminal Miscellaneous Petitions are ordered.

**02.02.2026**

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To

1.The II Additional District and Sessions Judge,  
Thanjavur.

2. The Judicial Magistrate No.I, Thanajvur.

3. The Inspector of Police,  
District Crime Branch,  
Thanjavur.

4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.



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**MOHAMMED SHAFFIQ, J**

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**CRL RC(MD)No.164 of 2026**

Date : 02/02/2026  
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