



CRL MP(MD). Nos.2467 and 2468 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : **05.02.2026**

CORAM :

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Crl.M.P.(MD)Nos.2467 and 2468 of 2026
in
Crl.RC(MD)No.214 of 2026

1.Devendhiran

2.Venkateshwaran

... Petitioners

Vs

1.The State of Tamil Nadu,
Represented by,
The Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District.

2.Subburaj

... Respondents

Prayer in Crl.M.P(MD)No.2467 of 2025:

To suspend the sentence imposed upon the petitioners by Additional District Judge, Virudhunagar in C.A.No.10 of 2020 dated 25.11.2025 in C.C.No.187 of 2014, dated 17.02.2020 on the file Judicial Magistrate Court No.1, Virudhunagar and enlarge them on bail pending disposal of the Criminal Revision Petition.



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Prayer for Crl.M.P(MD)No.2468 of 2025:

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To exempt the petitioners from surrender pursuant to the judgment passed by learned Additional District Judge, Virudhunagar in Criminal Appeal No.10 of 2020, dated 25.11.2025 in C.C.No.187 of 2014, dated 17.02.2020 on the file Judicial Magistrate Court No.1, Virudhunagar and enlarge them on bail pending disposal of the Criminal Revision Petition.

For Petitioner : Mr.J.Balasubbiramaniam

For R-1 : Mr.P.Kottaichamy
Government Advocate

ORDER

Heard Mr.J.Balasubbiramaniam, learned Counsel for Revision Petitioner and Mr.P.Kottaichamy, learned Government Advocate for 1st Respondent.

2. Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioner by Additional District Judge, Virudhunagar, in Crl.A.No.10 of 2020, dated 25.11.2025 in C.C.No.187 of 2014, dated 17.02.2020 and to exempt the petitioners from surrendering before the Court below.



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3. Learned counsel for petitioners would submit that petitioners were arrayed as Accused 1 and 2 in Crime No.15 of 2014 which was taken on file by Judicial Magistrate Court No.1, Virudhunagar in C.C.No.187 of 2014. The case involved offences under Sections 294(b), 324(2 counts), 341, 502(2) of IPC and 4 of TNPWH (Amended) Act, 2002 against 1st petitioner/1st Accused and offences under Sections 294(b), 323, 341 and 506(2) of IPC against 2nd petitioner. The Trial Court, vide judgment dated 17.02.2020, acquitted the petitioners of all said offences.

3.1. Aggrieved, 2nd Respondent/De-facto complainant filed criminal appeal in Crl.A.No.10 of 2020 before Additional District Judge, Virudhunagar. The lower Appellate Court, vide judgment dated 25.11.2025, partly allowed the appeal by setting aside the judgment of the Trial Court.

Relevant portion of the judgment in respect of 1st petitioner is extracted hereunder:

(I) to undergo simple imprisonment of three months for offence under Section 294(b) of IPC and to pay a fine of Rs.1000/-, in default, to



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undergo simple imprisonment of two weeks.

(ii) to undergo simple imprisonment of six months for offence under Section 323 (2 counts) of IPC and to pay a fine of Rs.1000/-, in default, to undergo simple imprisonment of two weeks.

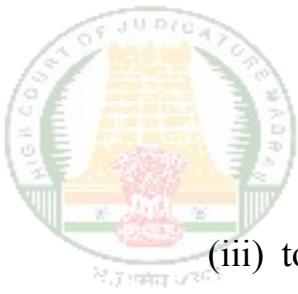
(iii) to undergo simple imprisonment of one month for offence under Section 341 of IPC and to pay a fine of Rs.500/-, in default, to undergo simple imprisonment of one week.

(iv) to undergo simple imprisonment of one month for offence under Section 506(ii) of IPC and to pay a fine of Rs.1000/-, in default, to undergo simple imprisonment of two weeks.

Relevant portion of the judgment in respect of 2nd petitioner is extracted hereunder:

(i) to undergo simple imprisonment of three months for offence under Section 294(b) of IPC and to pay a fine of Rs.1000/-, in default, to undergo simple imprisonment of two weeks.

(ii) to undergo simple imprisonment of six months for offence under Section 323 of IPC and to pay a fine of Rs.1000/-, in default, to undergo simple imprisonment of two weeks.



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(iii) to undergo simple imprisonment of one month for offence under Section 341 of IPC and to pay a fine of Rs.500/-, in default, to undergo simple imprisonment of one week.

(iv) to undergo simple imprisonment of one month for offence under Section 506(ii) of IPC and to pay a fine of Rs.1000/-, in default, to undergo simple imprisonment of two weeks.

3.2. Aggrieved, petitioners filed CrI.R.C.(MD)No.214 of 2026 before this Court along with the instant miscellaneous petitions seeking suspension of sentence, bail and exemption from surrender.

3.3. Learned Counsel for Petitioners would submit that Petitioners have a good case *inter alia* stating that the Appellate Court failed to appreciate that there were no independent witnesses and that all witnesses were close blood-relative thus interested. He would further submit that petitioners have raised substantial grounds in above revision, which requires consideration. Hence, he prayed for granting suspension of sentence and bail to petitioners.



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5. Learned Government Advocate appearing for 1st respondent opposed the submissions of learned counsel for petitioners and submitted that judgment passed by Appellate Court is as per law after considering the entire evidence, thus the relief sought by petitioners at this stage be refused by this Court.

6. 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, 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 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 Judicial Magistrate No. 1, Virudhunagar.

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



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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 Judicial Magistrate No. 1, Virudhunagar, on the first working day of every month at 10.30 a.m., until the disposal of revision;

iv) In case, 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 trial Court.

7. Accordingly, these Criminal Miscellaneous Petitions are **ordered.**

05.02.2026

Nsr



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To:

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- 1.The Additional District Judge, Virudhunagar.
- 2.The Judicial Magistrate No.I, Virudhunagar.
- 3.The Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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MOHAMMED SHAFFIQ, J

Nsr

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