



CRL MP(MD). Nos.3936 & 3937 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : **20/02/2026**

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD). Nos.3936 & 3937 of 2026
in
CRL RC(MD)No.322 of 2026

1. Balagopal
2. Thangachan

... Petitioners

Vs

State of Tamilnadu Rep by
Inspector of Police,
District Crime Branch, Dindigul District.
Crime No.9/1997

... Respondent

PRAYER in CrI.M.P.(MD).No.3936 of 2026 :-

To Suspend the sentence passed against the petitioner in CrI.A No.34 of 2022 dated 30.01.2026 on the file of Principal Sessions Judge, Dindigul by confirming the judgment and sentence passed in CC No.04 of 2014 dated 14.07.2022 on the file of the Chief Judicial Magistrate, Dindigul.

PRAYER in CrI.M.P.(MD).No.3937 of 2026 :-

To Exempt the petitioners from surrendering before the trial court in CrI.A.No.34/2022 dated 30.01.2026 on the file of Principal Sessions Judge, Dindigul by confirming the judgment and sentence in C.C.No. 04/2014, dated 14.07.2022 on the file of the Chief Judicial Magistrate, Dindigul.



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For Petitioners : Mr.B.Fazilkirmani

For Respondent : Mr.M.Karunanithi
Government Advocate (Crl.side)

ORDER

Heard Mr.B.Fazilkirmani, learned Counsel for petitioners and Mr.M.Karunanithi, learned Government Advocate (Crl.side) appearing for respondent.

2. Criminal Miscellaneous Petitions have been filed, praying to suspend the sentence imposed on petitioners by Chief Judicial Magistrate, Dindigul, in C.C.No.4 of 2014 vide order dated 14.07.2022, which was confirmed by learned Principal Sessions Judge, Dindigul in Crl.A.No.34 of 2022, vide order dated 30.01.2026 and to exempt the petitioners from surrendering before the Court below.

3.Learned counsel for petitioners would submit that petitioners were convicted by Chief Judicial Magistrate, Dindigul for offences punishable under Sections 465,467,468,420, 417, 471 & 120(b) of IPC in C.C.No.4 of 2014 dated 14.07.2022 and sentenced as follows:



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(i) 1st and 2nd accused to undergo two years Simple imprisonment and to pay a fine of Rs.500/-, each in default to undergo three months simple imprisonment for offence under section 465 of IPC.

(ii) 1st and 2nd accused to undergo three years Simple imprisonment and to pay a fine of Rs.500/-, each in default to undergo three months simple imprisonment for offence under section 467 of IPC.

(iii) 1st and 2nd accused to undergo three years Simple imprisonment and to pay a fine of Rs.500/-, each in default to undergo three months simple imprisonment for offence under section 468 of IPC.

(iv) 1st and 2nd accused to undergo three years Simple imprisonment and to pay a fine of Rs.500/-, each in default to undergo three months simple imprisonment for offence under section 420 of IPC.

(v) 1st and 2nd accused to undergo one year Simple imprisonment and to pay a fine of Rs.500/-, each in default to undergo three months simple imprisonment for offence under section 417 of IPC.

(vi) 1st and 2nd accused to undergo two years Simple imprisonment and to pay a fine of Rs.500/-, each in default to undergo three months simple imprisonment for offence under section 471 of IPC.



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(vii) 1st and 2nd accused to undergo three months Simple imprisonment and to pay a fine of Rs.500/-, each in default to undergo one month simple imprisonment for offence under section 120(b) of IPC.

4. Aggrieved, petitioners filed Criminal Appeal No.34 of 2022, before Principal Sessions Judge, Dindigul and the lower Appellate Court vide order dated 30.01.2026, dismissed the appeal and confirmed the judgment passed by Trial Court. Aggrieved, petitioners filed present Criminal Revision Petition in Crl.RC(MD)No.322 of 2026 before this Court along with instant miscellaneous petitions seeking suspension of sentence, bail and exemption from surrender.

5. Learned Counsel for the petitioner submits that the lower appellate Court failed to appreciate that no independent evidence was examined/produced by the prosecution and further submits that the dispute itself is primarily civil in nature.



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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 to the petitioners.

7. Learned Government Advocate (Crl.side) 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.

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 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:

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



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i) Petitioners are directed to be enlarged on bail on 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 Chief Judicial Magistrate, Dindigul.

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 Chief Judicial Magistrate, Dindigul, 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 said Court.



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WEB COPY 9. Accordingly, these Criminal Miscellaneous Petitions are ordered.

20.02.2026

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To

1.The Principal Sessions Judge,
Dindigul.

2. The Chief Judicial Magistrate, Dindigul

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

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



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MOHAMMED SHAFFIQ, J

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Date : 20/02/2026
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