

Crl.M.P.(MD)Nos.12830 & 12831 of 2026
in Crl.R.C.(MD)No.1075 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.07.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Crl.M.P.(MD)Nos.12830 & 12831 of 2026
in Crl.R.C.(MD)No.1075 of 2026

N.Roshan Kumar

... Petitioner

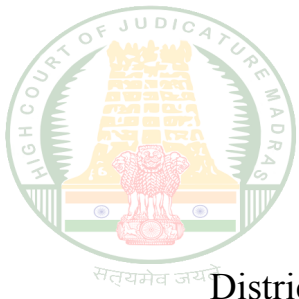
Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
CBI:ACB,
Chennai.
RC MA1 2017 A 0027 (C.S.No.8)

... Respondent

Prayer in Crl.M.P.(MD)No.12830 of 2026 : Petition filed undr Section 438(1) of BNSS 2023, to suspend the sentence of rigorous imprisonment for 3 years imposed by Judgment dated 06.04.2026 made in Crl.A.No.32 of 2026 on the file of the II Additional District and Sessions Court, Tiruchirappalli, confirming the order passed in C.C.No.796 of 2022 dated 09.01.2026 on the file of the learned Chief Judicial Magistrate, Tiruchirappalli, pending disposal of the main criminal revision petition.

Prayer in Crl.M.P.(MD)Nos.12831 of 2026 : Petition filed under Section 528 of BNSS 2023, seeking to exempt the petitioner from surrendering before the lower Court on the basis of the Judgment in Crl.A.No.32 of 2026 dated 06.04.2026 on the file of the II Additional



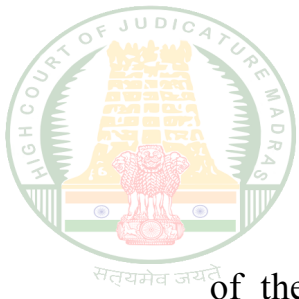
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District and Sessions Court, Tiruchirappalli (arising out of C.C.No.796 of 2022 on the file of the Court of Chief Judicial Magistrate, Tiruchirappalli), pending disposal of the main Criminal Revision Petition.

For Petitioner : Mr.S.Sivaprakash
For Respondent : Mr.C.Muthusaravanan,
Special Public Prosecutor for CBI

ORDER

The petitioner is a native of Bihar. He was prosecuted for the offence under Section 420 IPC that in order to obtain job from the Ordnance Factory, he had written the examination through a proxy. The learned Chief Judicial Magistrate, Tiruchirappalli, tried the case in C.C.No.796 of 2022. In conclusion of trial, the trial Court, by its Judgment dated 09.01.2026, found the petitioner guilty for the offence under Section 420 IPC and convicted and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment. Challenging the Judgment of conviction and sentence, the petitioner has preferred a criminal appeal before the II Additional District and Sessions Court, Tiruchirappalli, in Crl.A.No.32 of 2026. The first appellant Court, by its Judgment dated 06.04.2026, dismissed the criminal appeal, by confirming the Judgment

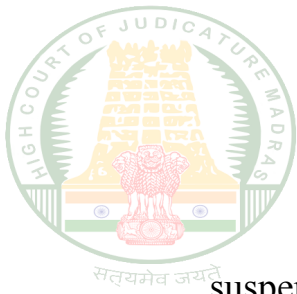


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of the conviction and sentence passed by the learned Chief Judicial Magistrate, Tiruchirappalli, in C.C.No.796 of 2022 dated 09.01.2026. Aggrieved over the same, the petitioner has preferred a criminal revision case in Crl.R.C.(MD)No.1075 of 2026. Along with the criminal revision case, the petitioner has moved the present petitions seeking suspension of sentence and exemption from surrender.

2. The learned counsel appearing for the petitioner submits that the trial Court has convicted the petitioner based on the testimony of CW1, the thumb impression expert. It is a well settled principle that expert opinion is corroborative and not substantive evidence. Therefore, the conviction based on the expert opinion is liable to be set aside. Further, the non-examination of the primary investigating officer severally prejudiced the defence. Therefore, the petitioner is having certain arguable points in this criminal revision case. He further submits that the petitioner has regularly appeared before the trial Court in all hearings. Further, the co-accused have also been enlarged on bail by this Court in Crl.M.P.(MD)No.9798 of 2026 in Crl.R.C.(MD)No.839 of 2026 and Crl.M.P.(MD)No.9809 of 2026 in Crl.R.C.(MD)No.840 of 2026, by



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suspending the sentence imposed by the trial Court, by order dated 07.05.2026. Therefore, he seeks to grant bail to this petitioner also.

3. The learned Special Public Prosecutor for CBI opposed this petition stating that the petitioner is alleged to have committed impersonation and cheated the examination authority, affecting the integrity of the examination process.

4. This Court considered the rival submissions made.

5. The petitioner has raised certain arguable points, which can be considered only during the final hearing of the criminal revision case. However, the criminal revision case could not be taken up for final hearing immediately for want of time. Further, the co-accused have also been enlarged on bail by this Court in Crl.M.P.(MD)No.9798 of 2026 in Crl.R.C.(MD)No.839 of 2026 and Crl.M.P.(MD)No.9809 of 2026 in Crl.R.C.(MD)No.840 of 2026, by suspending the sentence imposed by the trial Court, by order dated 07.05.2026.



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6. In view of the above and also considering the points raised by the petitioner and the co-accused have been enlarged on bail by this Court, by suspending the sentence imposed by the trial Court, this Court is inclined to suspend the sentence with certain conditions.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal revision case and the petitioner is ordered to be enlarged on bail on the following conditions:

(i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Tiruchirappalli. Out of two sureties, one surety must be a Government surety from the State of Bihar and another surety must be a local surety from the State of Tamil Nadu.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address, before the trial Court as well as before the respondent Police. The petitioner shall also give his mobile number to the respondent police. In the event, if there is any change of address,



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the same shall be intimated to the respondent Police without fail.

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(iii) The petitioner shall not misuse the liberty granted to him by indulging in any further offence.

(iv) The petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of 15 days and thereafter, shall report before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

(vi) If the petitioner violates any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

8. Accordingly, both the Criminal Miscellaneous Petitions are ordered.

02.07.2026

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To

1. The learned Chief Judicial Magistrate,
Tiruchirappalli.
2. The Inspector of Police,
CBI:ACB,
Chennai.
3. The Special Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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