



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. OF 2025
(Arising out of SLP(Crl.)
No.15596/2025)

S. RAMAKRISHNAN

APPELLANT(S)

VERSUS

**REVENUE DIVISIONAL OFFICER,
THOOTHUKUDI DISTRICT, TAMIL NADU**

RESPONDENT(S)

ORDER

1. Leave granted.
2. This appeal arises from the order passed by the High Court of Madras(Madurai Bench) dated 21st July, 2025 in Criminal Miscellaneous Petition(MD) No. 6447 of 2025 by which the petition filed by the appellant herein under Section 436(2) of the the Bharatiya Nagarik Suraksha Sanhita, 2023, (erstwhile Section 389 of the Code of Criminal Procedure, 1973¹) seeking suspension of the

¹ Hereinafter referred to as 'Cr.P.C.'

substantive order of sentence of life imprisonment passed by the Trial Court in Sessions Case No. 223 of 2006 came to be dismissed.

3. The impugned order before us is a common order. In other words, many other co-convicts along with the appellant herein had preferred their respective applications seeking suspension of the substantive order of sentence passed by the Trial Court pending their respective criminal appeals before the High Court. We are concerned with the appellant namely, 'S. Ramakrishnan', who at the relevant point of time was serving as a Police Officer (A-11).

4. We need to record some facts in brief.

5. The deceased by name 'Vincent' was arrested by the Police attached with Thoothukudi Police Station, State of Tamil Nadu on 18th September, 1999. It is the case of the prosecution that after the arrest of the deceased, he was brutally assaulted in the Police Station. The evidence on record indicates that the deceased had suffered

almost 38 injuries on his body. The deceased ultimately succumbed to the injuries. It is the case of the prosecution that the Police Officers, who were put to trial, adopted third-degree methods which ultimately led to the death of the deceased making the case, one of custodial torture and death. The Police Station, we are talking about is Thalamuthunagar Police Station, Thoothukudi.

6. The wife of the deceased, PW 2 namely, 'Krishnammal' came to know about the arrest of her husband and the alleged brutal assault by the Police Officers. The Revenue Divisional Officer(for short, 'RDO') of the area carried out the Inquest Panchnama of the dead body of the deceased. He on his own initiated a preliminary inquiry. In the preliminary inquiry, the RDO recorded statements of various individuals claiming to be eye-witnesses to the assault including the wife of the deceased. The Inquiry Report was, accordingly, prepared. By the time a

formal complaint could be lodged in the Court of the Judicial Magistrate or an FIR be registered at the concerned Police Station, the Officer i.e., the RDO, who had conducted the preliminary inquiry came to be transferred. The successor in office looked into the Preliminary Inquiry Report prepared by his predecessor in office and proceeded to file a private complaint in the Court of Judicial Magistrate No.II, Thoothkudi. This complaint was filed under Section 200 of the Cr.P.C.. The concerned Court took cognizance upon the complaint and issued process against 10 accused persons named in the complaint for the offence punishable under Section 302 of the Indian Penal Code, 1860 and committed the case to the Court of Sessions. The committal of the case culminated in Sessions Case No. 223 of 2006.

7. It is not in dispute that in the complaint that was lodged by the RDO, the appellant herein was not named as an accused. In such circumstances, there was no occasion for the

Magistrate to take cognizance of the offence insofar as the present appellant is concerned. However, it appears from the materials on record that since the appellant was not made an accused in the original complaint lodged by the RDO, the wife of the deceased preferred a petition before the Trial Court being Criminal Miscellaneous Petition No. 268 of 2007 under Section 193 of the Cr.P.C. to implead or add the appellant herein as one of the accused persons. The said application came to be dismissed. Being aggrieved with the same, she filed a Criminal Revision Case No. 653 of 2007 before the High Court of Madras. The same came to be allowed on 18th March, 2008. The appellant herein challenged the said order passed by the High Court before this Court. This Court by way of order dated 21.02.2014 dismissed the Special Leave Petition(Crl.) No. 3639 of 2008. The order reads thus:-

“ The solitary ground for assailing the impugned order raised before us, during the course of hearing, was based on Section 401

of the Code of Criminal Procedure, 1973. A perusal of Section 401(1) of Cr.P.C. leaves no room for any doubt, that the power depicted therein is a power exercised suo motu by the High Court.

Insofar as the present controversy is concerned, the High Court did not exercise such power suo motu, but on a prayer made to the High Court for initiating proceedings against the petitioner (before this Court). Even otherwise, the factual position has been depicted by the High Court in paragraphs 14 and 15 of the impugned judgment. The same are being extracted hereunder:

"14. Before analysing the above legal aspect, it would be more useful to look into the alleged complicity of the said Sub- Inspector in the commission of crime. In fact, the Revenue Divisional Officer has examined all the connected witnesses. The revision petitioner herein has filed an affidavit to the Revenue Divisional Officer, wherein it has been stated that after knowing the fact that her husband has been taken by the police, she has gone to police station and enquired her husband and he told that through out night, he has been beaten by the Sub-Inspector by name Ramakrishnan and other Police Constables. The witnesses viz., Damodharan, Sankaran, Muthuraj, Iyappan, Muthu and Ramakrishnan have also stated in their affidavits to the

effect that the Sub-Inspector by name Ramakrishnan has also involved in the alleged commission of offence. Therefore, it is pellucid that the Sub-Inspector by name Ramakrishnan has also involved in the crime.

15. As stated earlier, the Revenue Divisional Officer has conducted a detailed enquiry and submitted his report, wherein it has been clearly stated that the deceased has sustained 38 injuries and further it is stated that the deceased has passed away while he has been in police lockup and only due to attacks made by the police personnel, the deceased has passed away. But, unfortunately, the Sub-Inspector by name Ramakrishnan, has not been arrayed as one of the accused."

In the background of the fact, that the aforesaid factual position has not been disputed before us, we find no justification to interfere with the impugned order in exercising of our jurisdiction under Article 136 of the Constitution of India.

The special leave petition is accordingly dismissed."

8. At this stage, it may not be out of place to state that when this Court dismissed the Special Leave Petition, the only material on record

against the appellant herein to point a finger towards his involvement in the alleged crime was in the form of five affidavits filed by the so called eye-witnesses to the incident. Those are PW 4, PW 5, PW 6, PW 8 and PW 9 respectively. Of course, the statements of PW 4, PW 5, PW 6, PW 8 and PW 9 were recorded by the RDO in the course of his preliminary inquiry. The trial proceeded against in all eleven accused persons including the appellant herein. Ultimately, the Trial Court held nine accused persons guilty of the offence of murder including the appellant herein whereas two came to be acquitted.

9. The appellant being dissatisfied with the judgment and order of conviction passed by the Trial Court preferred Criminal Appeal(MD) No. 464 of 2025 in the High Court. The appeal has been admitted and is pending for final disposal. In the said appeal, he filed a miscellaneous application with a prayer that the substantive order of sentence of life imprisonment passed by the Trial

Court against him be suspended and he be released on bail pending the final disposal of his criminal appeal. The High Court declined to suspend the substantive order of sentence.

10. In such circumstances referred to above, the appellant is here before us with the present appeal.

11. We heard Mr. Mukul Rohtagi, the learned senior counsel appearing for the appellant and Mr. Amit Anand Tiwari, the learned Additional Advocate General appearing for the State.

12. We cursorily looked into the oral evidence on record, more particularly, the oral testimony of PW 2 i.e., the wife of deceased, PW 4 'Tr. Damodharan' and PW 5 'Tr. Sankaran', respectively. While considering the plea for suspension of sentence of life imprisonment, we should not undertake the exercise of reappreciating the evidence because that would tantamount to testing the broad probabilities of the case. However, if something gross or palpable is noticed even while

cursorily looking into the oral evidence on record, we should not ignore the same.

13. The case on hand is one wherein the appellant has been convicted and sentenced to life imprisonment. When the Court is called upon to consider the plea for suspension of a substantive order of life imprisonment, the considerations are different. In cases of fixed sentence, the Appellate Court may consider the plea liberally unless there are exceptional circumstances to deny suspension. When it comes to life imprisonment, the Appellate Court should consider whether there is anything palpable or anything on the face of the record on the basis of which it could be said that the appellant has fair chances of succeeding in his appeal and getting acquitted. We also looked into the evidence of PW 4 and PW 5 respectively.

14. *Prima facie*, we are of the view that the oral evidence of the PW 4 and the PW 5 respectively is in direct conflict on material aspects with the

evidence of the PW 2. Of course, this is a *prima facie* observation and all relevant aspects would be looked into by the High Court while hearing the Criminal Appeal. Any further observation on merits may perhaps cause prejudice to either side.

15. We take notice of the fact that the conviction of the appellant is substantially based on the oral testimony of PW 2, the wife of the deceased.

16. The law is well settled. Conviction can be based on the evidence of a solitary eye-witness provided it is found to be wholly reliable. If it is found to be wholly unreliable, then there is no problem in discarding the entire evidence. There could be a third category wherein the Court may find the evidence of a solitary eye-witness is neither wholly reliable nor wholly unreliable and in such a situation, the Court must insist for corroboration in material particulars. We tried exactly to do the same thing by cursorily looking into the evidence of the PW 4 and the PW 5

respectively. *Prima facie*, the oral evidence does not inspire confidence.

17. In such circumstances referred to above, we are persuaded to accept the plea of the appellant for suspension of the substantive order of sentence pending the final disposal of his Criminal Appeal before the High Court.

18. In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court is set aside. The substantive order of sentence of life imprisonment passed by the Trial Court insofar as the present appellant is concerned is suspended and he is ordered to be released on bail subject to the terms and conditions that the Trial Court may deem fit to impose.

19. We clarify that the impugned order of the High Court which is common is set aside only insofar as the present appellant is concerned i.e., A-11.

20. Pending application(s), if any, shall stand

disposed of.

.....J.
[J.B. PARDIWALA]

.....J.
[K.V. VISWANATHAN]

**NEW DELHI;
NOVEMBER 27, 2025.**

ITEM NO.10

COURT NO.7

SECTION II-C

**S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS**

**Petition for Special Leave to Appeal (Crl.) No.
15596/2025**

[Arising out of impugned final judgment and order dated 21-07-2025 in CRLMP(MD) No. 6447/2025 passed by the High Court of Judicature at Madras at Madurai]

S. RAMAKRISHNAN

Petitioner(s)

VERSUS

**REVENUE DIVISIONAL OFFICER,
THOOTHUKUDI DISTRICT, TAMIL NADU Respondent(s)**

**(IA No. 248286/2025 - EXEMPTION FROM FILING C/C OF
THE IMPUGNED JUDGMENT and IA No. 248284/2025 -
EXEMPTION FROM FILING O.T.)**

**Date : 27-11-2025 This matter was called on for
hearing today.**

CORAM :

**HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN**

For Petitioner(s)

**Mr. Mukul Rohtagi, Sr. Adv.
Mr. Anand Varma, AOR
Mr. Ayush Gupta, Adv.**

For Respondent(s)

Mr. Amit Anand Tiwari, Sr. A.A.G.
Mr. Sabarish Subramanian, AOR
Ms. Saushriya Havelia, Adv.
Mr. Pranjal Mishra, Adv.
Mr. Vishnu Unnikrishnan, Adv.
Mr. Veshal Tyagi, Adv.
Ms. Jahnavi Taneja, Adv.
Ms. Arjoo Rawat, Adv.
Ms. Tanvi Anand, Adv.
Mr. Danish Saifi, Adv.

**UPON hearing the counsel the Court made the
following
O R D E R**

- 1. Leave granted.**
- 2. The present appeal stands allowed in terms of the signed order.**
- 3. The operative portion of the order is, *inter alia*, held as under:-**

"18. In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court is set aside. The substantive order of sentence of life imprisonment passed by the Trial Court insofar as the present appellant is concerned is suspended and he is ordered to be released on bail subject to the terms and conditions that the Trial Court may deem fit to impose."

- 4. Pending application(s), if any, shall stand**

disposed of.

(SNEHA DAS)	(POOJA SHARMA)
SENIOR PERSONAL ASSISTANT	COURT MASTER (NSH)
(Signed order is placed on the file)	