



Crl.M.P.Nos.1087 & 1088 of 2025
in
Crl.R.C.No.125 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27/1/2025

C O R A M

THE HONOURABLE Mr.JUSTICE SUNDER MOHAN

Crl.M.P.Nos.1087 and 1088 of 2025

in

Crl.R.C.No.125 of 2025

Arivu @ Arivalagan

...

Petitioner

Vs

State

rep. By The Inspector of Police

District Crime Branch

Thiruvarur.

...

Respondent

PRAYER in Crl.M.P.No.1087 of 2025: Petition filed under Section 430 (1) of BNSS to suspend the sentence imposed on the petitioner in Crl.A.No.14 of 2023 on the file of the Hon'ble Principal District and Sessions Judge, Thiruvarur, by an order dated 5/9/2024 confirming the judgment of the learned Judicial Magistrate, Thiruvarur in C.C.No.251 of 2011 dated 24/2/2023 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Petition.



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Prayer in Crl.M.P.No.1088 of 2025: Petition filed under Section 528 of BNSS to exempt the petitioner from surrendering in pursuance of the order passed in Crl.A.No.14 of 2023 on the file of the learned Principal District and Sessions Judge, Thiruvarur, by an order dated 5/9/2024, confirming the judgment of the learned Judicial Magistrate, Thiruvarur in C.C.No.251 of 2011 dated 24/2/2023.

For petitioner	...	Mr.Swamisubramanian
For respondent	...	Dr.C.E.Pratap Government Advocate (Criminal Side)

COMMON ORDER

Criminal Miscellaneous Petition No.1087 of 2025 has been filed to suspend the sentence imposed on the petitioner in Crl.A.No.14 of 2023 on the file of the Hon'ble Principal District and Sessions Judge, Thiruvarur, by an order dated 5/9/2024 confirming the judgment of the learned Judicial Magistrate, Thiruvarur in C.C.No.251 of 2011 dated 24/2/2023 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Petition.



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2. Crl.M.P.No.1088 of 2025 has been filed to exempt the petitioner from surrendering in pursuance of the order passed in Crl.A.No.14 of 2023 on the file of the learned Principal District and Sessions Judge, Thiruvarur, by an order dated 5/9/2024, confirming the judgment of the learned Judicial Magistrate, Thiruvarur in C.C.No.251 of 2011 dated 24/2/2023.

3. The case of the prosecution is that the petitioner along with two other accused had promised to obtain a job for the defacto complainant's son and accordingly, A.2 received Rs.2,50,000/- by D.D and A.1 had received Rs.25,000/- by bank transfer and that the petitioner and other accused neither repaid the amount nor obtained job. The petitioner was convicted for the offence under Section 420 of the Indian Penal Code and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.2,000/- in default to undergo two months simple imprisonment.

4. The learned counsel appearing for the petitioner would submit that the evidence only discloses money transactions; that there is no evidence to



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show that a false representation was made by the petitioner that he would secure a job and that the petitioner has several arguable points in the appeal that A.2 is no more and A.3 was acquitted by the trial Court and hence, prayed for suspension of sentence and exemption from surrender.

5. In the light of the above submissions, considering the fact that the petitioner has raised several arguable points in the revision which requires consideration, this Court is inclined to suspend the sentence and exempt the petitioner from surrendering on the following conditions:-

(a) The petitioner is ordered to be enlarged on bail, on condition that he shall execute 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 the trial Court ;

(b) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;



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(c) The petitioner shall appear before the Trial Court on the first working day of a month at 10.30 a.m., until the disposal of the revision and if he is not able to appear before the Trial Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence as directed by the Trial Court.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

27/1/2025

mvs.



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SUNDER MOHAN, J

mvs.

To

1. The Principal District and Sessions Judge, Thiruvarur
2. The Judicial Magistrate, Thiruvarur
3. The Inspector of Police
District Crime Branch
Thiruvarur.
4. The Public Prosecutor,
High Court, Madras.

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