



Crl.M.P.Nos.2296 & 2297 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

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THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.M.P.Nos.2296 & 2297 of 2025

in

Crl.R.C.No.260 of 2025

Neelakandan

... Petitioner

Vs

The State of TamilNadu represented by its
Inspector of Police,
Palacode Police Station,
Dharmapuri District.

... Respondent

PRAYER in Crl.M.P.No.2296 of 2025: Criminal Miscellaneous petition filed under Section 397(1) Cr.P.C./Section 438(1) BNSS, to suspend the sentence made in C.C.No.90 of 2020 on 05.10.2023 by the learned Judicial Magistrate, Palacode ie, to undergo simple imprisonment for a period of one month for the offence under Section 279 IPC, to undergo simple imprisonment for a period of one month for the offence under Section 337 IPC (6 counts) and to undergo simple imprisonment of one year under Section 304(A) IPC (concurrently) as confirmed by the judgment dated 27.09.2024 in Criminal Appeal No.7 of 2024 on the file of the learned Principal Sessions Judge, Dharmapuri and to enlarge him on bail,pending disposal of Crl.R.C.



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PRAYER in Crl.M.P.No.2297 of 2025: Criminal Miscellaneous petition filed under Section 482 Cr.P.C., /Section 528 of BNSS, seeking to exempt the petitioner from surrendering in pursuant to the sentence imposed in C.C.No.90 of 2020 on 05.10.2023 by the learned Judicial Magistrate, Palacode, as confirmed by the judgment dated 27.09.2024 in Criminal Appeal No.7 of 2024 on the file of the learned Principal Sessions Judge, Dharmapuri, pending disposal of Crl.R.C.

For Petitioner : Mr.R.Selvakumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking suspension of sentence imposed by the learned Principal Sessions Judge, Dharmapuri in Criminal Appeal No.7 of 2024 dated 27.09.2024, by confirming the judgment and sentence passed in C.C.No.90 of 2020 on 05.10.2023 by the learned Judicial Magistrate, Palacode and enlarge the petitioner on bail and seeking to exempt the petitioner from surrendering before the trial Court pending disposal of the



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above revision petition.

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2. The petitioner herein is the accused in C.C.No.90 of 2020 on the file of the Judicial Magistrate, Palacode. He was found guilty of the offence under Sections 279, 337(6 counts), 304(A) of IPC and he has been convicted and sentenced to undergo simple imprisonment for a period of one month for the offence under Section 279 IPC, to undergo simple imprisonment for a period of one month for the offence under Section 337 IPC (6 counts) and to undergo simple imprisonment of one year under Section 304(A) IPC (concurrently). Aggrieved against the same, the petitioner had filed appeal in Criminal Appeal No.7 of 2024 and the learned Principal Sessions Judge, Dharmapuri, by order dated 27.09.2024, had dismissed the appeal and confirmed the conviction and sentence, against which the present revision has been filed.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Revision Case and the petitioner/accused has got a fair chance of succeeding in the Criminal



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Revision Case and hence, the substantive sentence imposed against the petitioner/accused may be suspended and also the petitioner may be exempted from surrendering before the Trial Court. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Additional Government Pleader appearing for the respondent/State raised serious objection for allowing these petitions. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent-Police and perused the materials available on record.

6. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by



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considering the submissions of the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent police, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence, exemption of the petitioner from surrendering before the trial court and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on his 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 the learned **Judicial Magistrate, Palacode.**

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the



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disposal of the revision petition and if he is not able to appear before the trial Court on any 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.

7. With the above directions, these Criminal Miscellaneous Petitions are ordered.

12.02.2025

(1/ 2)

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Principal Sessions Judge, Dharmapuri.
2. The Judicial Magistrate, Palacode.



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3. Inspector of Police,
Palacode Police Station,
Dharmapuri District.

4. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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