



Crl.M.P.No.1333 of 2025 in Crl.R.C.No.171 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.1333 of 2025
in Crl.R.C.No.171 of 2025

1. Arthanareeswaran
2. Kumarasamy

... Petitioners

Vs

State represented by,
The Inspector of Police,
Kangayam Police Station,
Tiruppur District.

Crime No.469 of 2014

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 438(1) of BNSS, 2023, to suspend the sentence imposed on the petitioners in C.A.No.23 of 2018 passed by the learned III Additional District and Sessions Judge, Dharapuram dated 04.01.2025 as as confirmed by the judgment of the learned Assistant Sessions and Sub Ordinate Judge, Kangayam in S.C.No.117 of 2016 dated 06.03.2018 and enlarge the petitioners on bail.

For Petitioners : Mr.S.N.Arunkumar

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER

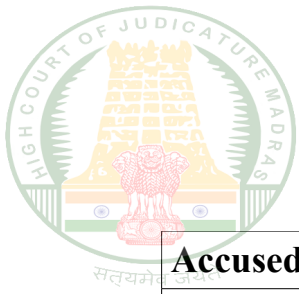


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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed in C.A.No.23 of 2018 dated 04.01.2025 by the III Additional District and Sessions Judge, Dharapuram, thereby confirming the conviction and sentence ordered in S.C.No.117 of 2016 dated 06.03.2018 on the file of Assistant Sessions and Sub Ordinate Judge, Kangayam.

2. The petitioners herein are arrayed as A1 and A2 in S.C.No.117 of 2016 on the file of the Assistant Sessions and Sub Ordinate Judge, Kangayam. They were found guilty for the offences and they have been convicted and sentenced as under:

Accused	Conviction	Sentence
A1	Section 294(b) of IPC	Sentenced to pay fine of Rs.1000/- in default to undergo simple imprisonment for three months.
	Section 324 of IPC	Sentenced to pay fine of Rs.2000/- in default to undergo simple imprisonment for six months.
	Section 307(2 counts) of IPC	Sentenced to undergo rigorous imprisonment for seven years each and to pay fine of Rs.1000/- each in default to undergo simple imprisonment for three months each
A2	Section 294(b) of IPC	Sentenced to pay fine of Rs.1000/- in default to undergo simple imprisonment for three months.
	Section 324 of IPC	Sentenced to pay fine of Rs.2000/- in default to undergo simple imprisonment for six months.



Accused	Conviction	Sentence
	Section 307(1 count) of IPC	Sentenced to undergo rigorous imprisonment for seven years each and to pay fine of Rs.1000/- each in default to undergo simple imprisonment for three months each.

Aggrieved by the same, the petitioners have filed this criminal revision along with the present miscellaneous petition.

3. The learned counsel for the petitioners/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 Revision Case and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioners are ready to abide the condition imposed by this Court.

4. Heard the learned counsel appearing for the petitioners and also perused the materials placed on record.

5. Considering the facts and circumstances of the case, the first petitioner has failed to make out a prima facie case for grant of suspension of sentence imposed by the Trial Court. Therefore, this Court is not inclined to



suspend the sentence imposed on the first petitioner, since he had committed very serious offence as against two victims, thereby causing serious injuries to them. Accordingly, this Criminal Miscellaneous Petition is dismissed as against the first petitioner.

6. Insofar as the second petitioner is concerned, 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 and bail are granted on the following conditions:

(a) The second petitioner is ordered to be released on bail, on his executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Assistant Sessions and Sub Ordinate Judge, Kangayam.

(b) The second 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 second petitioner shall appear before the Trial Court daily at 10.30 a.m for a period of 30 days and thereafter, on



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the first working day of every English Calendar month at 10.30 a.m., until the 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 355 of BNSS, 2023 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, this Criminal Miscellaneous Petition is ordered as against the second petitioner.

26.08.2025
(2/2)

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn

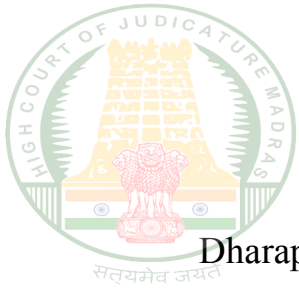
G.K.ILANTHIRAIYAN. J.

mn

To

1. The III Additional District and Sessions Judge,

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Dharapuram.

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2. The Assistant Sessions and Sub Ordinate Judge,
Kangayam.
3. The Inspector of Police,
Kangayam Police Station,
Tiruppur District.
4. The Public Prosecutor,
High Court, Madras.

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