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CRL MP No. 2316 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-10-2025

CORAM

THE HONOURABLE MRS JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRL MP No. 2316 of 2024

in Crl.A.No.775 of 2023

1. Abdhus Samath @ Tamilmani
S/o. Govindasamy, No. 3/4, Sathya
Nagar Extension, Kangeyam Road,
Tiruppur District.

Petitioner(s)

Vs

1. State Rep. By
Inspector Of Police, Tiruppur South
Police Station, Tiruppur District. Crime
No.1068/2020

Respondent(s)

PRAYER

To suspend the sentence made in Judgment in S.C.No.86 of 2021, on the file of the Learned Sessions Judge, Mahila Court (Fast Track Mahila Court) Tiruppur, dated 08.06.2023 and enlarge on bail and thus render justice.

For Petitioner(s): M/s.N. Arun Kumar

For Respondent(s): Mr.A.Gokulakrishnan
Addl.Public Prosecutor

**ORDER**

J.Nisha Banu J.
and
S.Sounthar,J.

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence of imprisonment imposed on the petitioner by the learned District and Sessions Judge, Mahila Court (Fast Track Mahila Court) Tiruppur, dated 08.06.2023 in S.C.No.86 of 2021, pending disposal of the Criminal Appeal before this Court and enlarge him on bail.

2. The learned Sessions Judge, Mahila Court, Tiruppur, vide judgment dated 08.06.2023 in S.C.No.86 of 2021, has convicted the petitioner and sentenced him as follows:-

<i>Offence</i>	<i>Sentence Imposed</i>
U/s.498(A) IPC	To undergo three years Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for three months
U/s.302 IPC	To undergo Life Imprisonment and to pay a fine of Rs.2,500/- in default to undergo rigorous Imprisonment for six months.
Both the sentences are ordered to run concurrently	

3. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and he seeks suspension of sentence and bail in the



present Miscellaneous Petition.

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4. The learned counsel for the appellant / petitioner submitted that it is a case based on circumstantial evidence and there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He further submitted that there are arguable points available in the Criminal Appeal and that the petitioner has a fair chance of succeeding in the same. Therefore, the substantive sentence imposed against the appellant / petitioner may be suspended. He further submitted that the appellant/ petitioner is ready to abide by any condition imposed by this Court.

5. Heard the learned counsel appearing for the appellant / petitioner, the learned Additional Public Prosecutor appearing for the respondents and also perused the materials placed on record.

6. This is a case based on circumstantial evidence. It is a settled principle of law that in a case based on circumstantial evidence, the circumstances projected by the prosecution are to be proved beyond reasonable doubts and such proved circumstances should form a complete chain without any break, pointing unerringly to the guilt of the accused and there should not be any other hypothesis, which is inconsistent with the guilt of the accused.

7. Considering the submissions made by both counsels, coupled with the



quantum of punishment imposed upon the petitioner / appellant, and taking into account the fact that this Criminal Appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.

8. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence imposed on the petitioner is suspended on the following conditions:-

(i) The petitioner shall execute 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 Sessions Judge, Mahila Court (Fast Track Court), Tiruppur.

(ii) 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;

(iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m., until the disposal of the Criminal Appeal 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 of 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.



WEB COPY

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(iv) On the failure of any of the above conditions by the petitioner / accused, it is open to the trial Court to commit the petitioner / accused into custody for undergoing the sentence.

(J.NISHA BANU J.) (S.SOUNTHAR J.)
08.10.2025

vsi

Note: Issue order copy today

To

1. The Sessions Judge, Mahila Court (Fast Track Court), Tiruppur.
2. The Superintendent of Prison,
Central Prison, Coimbatore.
3. The Inspector of Police, Tiruppur
South Police Station, Tiruppur District.
Crime No.1068/2020
4. The Public Prosecutor, High Court, Chennai



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