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CRL MP No. 4480 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-09-2025

CORAM

THE HONOURABLE MRS JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

Crl.M.P. No. 4480 of 2024

in Crl.A.No.1079 of 2022

1. Kanagaraj

S/o Rajendran, No.64, MGR Nagar,
Karuparayan Kovil Street, Kovaipudur,
Madukkarai, Coimbatore

Petitioner(s)

Vs

1. State Rep By

Inspector of Police, Madukkarai Police
Station, Coimbatore.
(Crime No.100/2019)

Respondent(s)

PRAYER

The Criminal Miscellaneous Petition is filed under Section 389 (1) of Cr.P.C. to suspend the sentence passed by the learned Sessions Judge, Magalir Neethimandram, (Mahila Court), Coimbatore, in S.C.No.41 of 2020 dated 03.08.2022.



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For Petitioner(s): M/s.C.R.Malarvannan

For Respondent(s): Mr.A.Damodaran
Additional Public Prosecutor

ORDER

(Order of the Court was made by J.NISHA BANU, J.)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence of imprisonment imposed by the learned Sessions Judge, Magalir Neethimandram, (Mahila Court), Coimbatore, in S.C.No.41 of 2020 dated 03.08.2025 pending disposal of the Criminal Appeal before this Court and enlarge the petitioner on bail.

2. The learned Sessions Judge, Magalir Neethimandram, (Mahila Court), Coimbatore, in S.C.No.41 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 one year Rigorous Imprisonment and to pay a fine of Rs.500/-, in default, to undergo simple imprisonment for three months
U/s.302 IPC	To undergo Life Imprisonment and to pay a fine of Rs.1,000/- in default to undergo Simple Imprisonment for six months.
Both the sentences are ordered to run concurrently	



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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.

4. The learned counsel for the appellant / petitioner submitted that 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. 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.

7. 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 District Munsif-cum-Judicial Magistrate, Madhukarai.

(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.



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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.)

10-09-2025

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1. The Sessions Judge, Magalir Neethimandram,
(Mahila Court), Coimbatore,
2. The District Munsif-cum-Judicial Magistrate, Madhukarai.
3. The Superintendent, Central Prison, Coimbatore.
4. The Inspector of Police,
Madukkarai Police Station, Coimbatore.
5. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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**J. NISHA BANU, J.
AND
S. SOUNTHAR, J.**

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