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Crl.MP.No.10760 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.10760 of 2025

in

Crl.RC.No.722 of 2025

Sridhar

...Petitioner

Vs.

State By:

The Inspector of Police,

TIW Police Station,

Salem

crime No.355 of 2012

... Respondent

**PRAYER:** Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, to suspend the execution of the sentence passed in Crl.A.No.94 of 2024 dated 31.01.2025 by the learned I Additional District Sessions Judge, Salem District which was confirmed against the petitioner in CC.No.76 of 2015 dated 27.03.2024 by the learned Judicial Magistrate No.II, Salem.



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For Petitioner : Mr.M.Marimuthu

For Respondent : Mr.A.Gopinath,  
Government Advocate(crl.side)

### **ORDER**

This Criminal Miscellaneous Petition has been filed by the petitioner, praying to suspend the execution of the sentence passed in Crl.A.No.94 of 2024 dated 31.01.2025 by the learned I Additional District Sessions Judge, Salem District which was confirmed against the petitioner in CC.No.76 of 2015 dated 27.03.2024 by the learned Judicial Magistrate No.II, Salem

2. The petitioner herein is the accused in CC.No.76 of 2015 on the file of the learned Judicial Magistrate No.II, Salem. He was found guilty of the offences under Sections 279, 338, 304(A) of IPC and he has been convicted and sentenced as under:

| S.No. | Conviction         | Sentence                                                                                                                                        |
|-------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| 1     | Section 279 of IPC | to undergo simple imprisonment for a period of one month and to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for one week. |

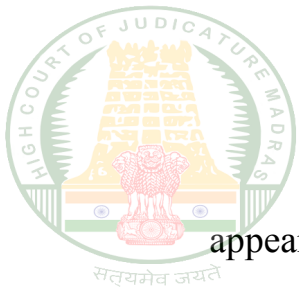


| S.No. | Conviction            | Sentence                                                                                                                                         |
|-------|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| 2     | Section 338 of IPC    | to undergo simple imprisonment for a period of two months and to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for one week. |
| 3     | Section 304(A) of IPC | to undergo simple imprisonment for a period of one year and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for one week.   |

Aggrieved by the same, the petitioner preferred appeal before the learned I Additional District Sessions Judge, Salem District in Crl.A.No.94 of 2024 and the same was dismissed by order dated 31.01.2025, against which the aforesaid criminal revision has been filed.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Revision and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Government Advocate(crl.side)



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appearing for the respondent/State raised serious objection for allowing this petition. 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 on either side and also perused the materials placed on record.

6. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Government Advocate(crl.side) appearing for the respondent police, further this criminal revision is not likely to be taken 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, till the disposal of the Criminal Revision, the substantive sentence of imprisonment imposed by the learned trial Judge is



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alone suspended and bail are granted on the following conditions:

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(a) The petitioner/accused is ordered to be released on bail, on his execution of 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 Judicial Magistrate No.II, Salem

(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 report before the trial court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Revision 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.

8. With the above directions, this Criminal Miscellaneous Petition is ordered.

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Index : Yes/No  
Neutral citation : Yes/No  
Speaking/non-speaking order  
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**G.K.ILANTHIRAIYAN, J.**

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To

- 1.The learned I Additional District Sessions Judge, Salem District
- 2.The learned Judicial Magistrate No.II, Salem.
- 3.The Inspector of Police,  
TIW Police Station,  
Salem
- 4.Central Prison,  
Salem
- 5.The Public Prosecutor,  
Madras High Court

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