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Crl.M.P No.11472 of 2025 in
Crl.R.C.No.829 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2025

CORAM:

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

Crl.M.P.No.11472 of 2025
in
Crl.R.C.No. 829 of 2025

Koteeswaran

.... Petitioner

Vs

The State by
The Inspector of Police,
Thanipadi Police Station,
Thanipadi,
Tiruvannamalai.
Crime No.712 of 2021

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code, to suspend the sentence imposed on the revision petitioner in the case in C.C.No.163 of 2021 by the learned Judicial Magistrate cum District Munsif, Thandarampattu dated 24.08.2023 and confirmed by the learned Principal District and Sessions Judge, Tiruvannamalai in Crl.A.No.84 of 2023 dated 27.11.2024, pending disposal of this Criminal Revision Case.

For Petitioner : Mr.R.Diwakaran

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



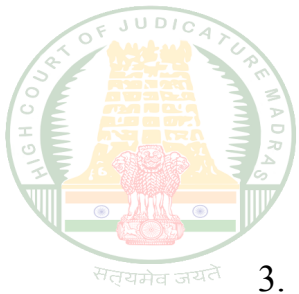
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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Principal District and Sessions Judge, Tiruvannamalai, in Crl.A.No.84 of 2023 dated 27.11.2024, confirming the Judgment dated 24.08.2023 passed in C.C.No.163 of 2021 by the learned Judicial Magistrate cum District Munsif, Thandarampattu, and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in C.C.No.163 of 2021 on the file of the learned Judicial Magistrate cum District Munsif, Thandarampattu. He was found guilty of the offence under Section 392 of IPC and he has been convicted and sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.5,000/-, in default of payment, the petitioner shall undergo a simple imprisonment for a period of two months as default sentence. Aggrieved by the same, the petitioner had filed an appeal in Crl.A No.84 of 2023 and the learned Principal District and Sessions Judge, Tiruvannamalai, by order dated 27.11.2024, had dismissed the above appeal, confirming the conviction and sentence imposed by the trial Court. Aggrieved by the same, the present revision has been filed.



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

4. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) appearing for the respondent and also perused the materials placed on record.

5. Considering the submissions of the learned counsel for the petitioner, coupled with the quantum of punishment imposed upon the petitioner and taking into consideration the fact that 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. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence 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 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 Judicial Magistrate cum District Munsif, Thandarampattu.

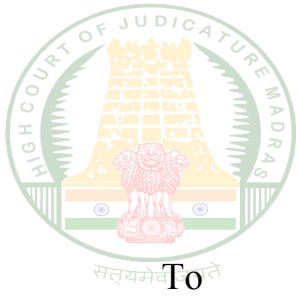
(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court daily at 10.30 a.m., for the period of 30 days and thereafter, on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Revision Case 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.

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

19.06.2025
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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To
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1. The Principal District and Sessions Judge,
Tiruvannamalai.
2. The Judicial Magistrate cum District Munsif,
Thandarampattu.
3. The Superintendent,
Central Prison for Men,
Vellore.
4. The Inspector of Police,
Thanipadi Police Station,
Thanipadi,
Tiruvannamalai.
5. The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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