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*Crl.M.P.No.9422 of 2025
in Crl.R.C.No. 588 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2025

CORAM:

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

Crl.M.P.No.9422 of 2025
in
Crl.R.C.No. 588 of 2025

Boopathy

.... Petitioner

Vs

State Rep By,
The Inspector of Police,
Velippalayam Police Station,
Nagapattinam.
Cr.No.512/2016.

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed in C.A.No.37 of 2023 by the Judgment dated 29.01.2025 passed by the District and Sessions Judge, Nagapattinam in C.C. No.71 of 2017 on the file of Judicial Magistrate No.II, Nagapattinam, dated 24.07.2023 and enlarge the petitioner on bail pending disposal of the Criminal Revision in Crl.R.C.No.588 of 2025.



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For Petitioner : Mr.B.Mahendra Naidu

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned District and Sessions Judge, Nagapattinam, in C.A.No.37 of 2023 dated 29.01.2025, by confirming the judgment and sentence passed in C.C.No.71 of 2017 dated 27.07.2023, by the learned Judicial Magistrate No.II, Nagapattinam, and enlarge the petitioner on bail pending disposal of the above revision petition.

2. The petitioner herein is the accused in C.C.No.71 of 2017 on the file of the learned Judicial Magistrate No.II, Nagapattinam. He was found guilty of the offence under Sections 337 & 304-A of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 337 of IPC	to pay fine of Rs.500/- in default of which to undergo one week simple imprisonment.



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S.No.	Conviction	Sentence
2	Section 304-A of IPC	to undergo simple imprisonment for a period of six months and to pay fine of Rs.2,000/- in default of which to undergo further period of one month simple imprisonment.

Aggrieved by the same, the petitioner had filed appeal in C.A.No.37 of 2023 and the learned District and Sessions Judge, Nagapattinam, by order dated 29.01.2025, had dismissed the appeal and confirmed the conviction and sentence, against which the present revision has been filed.

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. Further it is his specific submission that the petitioner was enlarged on bail during the time of pendency of the appeal before the first appellate Court and the petitioner may be exempted from surrendering before the Trial Court. He would submit that the petitioner is ready to abide the condition imposed by this Court.



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4. Per contra, the learned Government Advocate (Criminal Side) 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.



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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 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 No.II, Nagapattinam.

(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 on 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.



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7. With the above directions, these Criminal Miscellaneous

Petition is ordered.

02.06.2025
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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

1. The District and Sessions Judge,
Nagapattinam.
2. The Judicial Magistrate No.II,
Nagapattinam.
3. The Inspector of Police,
Velippalayam Police Station,
Nagapattinam.
4. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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