



WEB COPY



Crl.MP.No.10199 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM:

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

Crl.M.P.No.10199 of 2025

in

Crl.RC.No.633 of 2025

M.Raja

...Petitioner

Vs.

State rep. By
The Inspector of Police,
W-8 All Women Police Station,
Thirumangalam,
Chennai 600 101
(crime No.7 of 2009)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, 2023, to suspend the execution of sentence made by the learned XXI Additional Sessions Court, Chennai in Crl.A.no.172 of 2024 dated 10.03.2025 confirming the judgment passed by the learned Chief Metropolitan Magistrate, Egmore, in CC.No.3595 of 2020 on 25.08.2023 convicted the petitioner herein for the commission of alleged offence under Section 494 of IPC to undergo simple imprisonment of three years and to pay Rs.1,00,000/- failing which to undergo one year simple imprisonment pending disposal of this criminal revision petition.



WEB COPY



Crl.MP.No.10199 of 2025

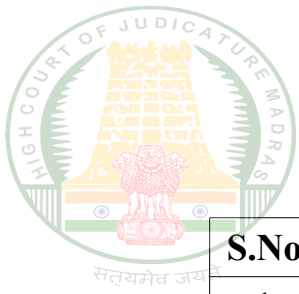
For Petitioner : Mr.K.Sivakumar

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 sentence made by the learned XXI Additional Sessions Court, Chennai in Crl.A.no.172 of 2024 dated 10.03.2025 confirming the judgment passed by the learned Chief Metropolitan Magistrate, Egmore, in CC.No.3595 of 2020 on 25.08.2023 convicted the petitioner herein for the commission of alleged offence under Section 494 of IPC to undergo simple imprisonment of three years and to pay Rs.1,00,000/- failing which to undergo one year simple imprisonment pending disposal of this criminal revision petition.

2. The petitioner is an accused in CC.No.3595 of 2020 on the file of the learned Chief Metropolitan Magistrate, Egmore. He was found guilty of the offences under Section 494 of IPC and he has been convicted and sentenced as under:



Crl.MP.No.10199 of 2025

S.No.	Conviction	Sentence
1	Section 494 of IPC	to undergo simple imprisonment for a period of 3 years and to pay fine of Rs.1,00,000/-, in default to undergo simple imprisonment for one year

Aggrieved by the same, the petitioner preferred appeal and the same was dismissed, against which this criminal revision along with the present miscellaneous petition has been filed

3. The learned counsel for the petitioner/A1 would submit that there are arguable points available in the Criminal Revision and the petitioner/A1 has got a fair chance of succeeding in the Criminal Revision and hence, the substantive sentence imposed against the petitioner/A1 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) 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



WEB COPY

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 alone suspended and bail are granted on the following conditions:

(a) The petitioner/A1 is ordered to be released on bail,



WEB COPY



Crl.MP.No.10199 of 2025

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 Chief Metropolitan Magistrate, Egmore, Chennai

(b) The petitioner/A1 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 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.

12.06.2025
(2/2)

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



WEB COPY



Crl.MP.No.10199 of 2025

G.K.ILANTHIRAIYAN, J.

lok

To

- 1.The learned XXI Additional Sessions Court, Chennai
- 2.The learned Chief Metropolitan Magistrate, Egmore, Chennai
- 3.The Inspector of Police,
W-8 All Women Police Station,
Thirumangalam,
Chennai 600 101
- 4.Central Prison,
Puzhal.
5. The Public Prosecutor,
Madras High Court,
Chennai.

Crl.M.P.No.10199 of 2025

in

Crl.RC.No.633 of 2025

12.06.2025

(2/2)