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Crl.MP.No.13102 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2025

CORAM:

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

Crl.M.P.No.13102 of 2025

in

Crl.RC.No.978 of 2025

Mohammed Alam Akash

...Petitioner

Vs.

Tamilnadu State
Represented by
The Inspector of Police,
South Police Station,
crime No.463 of 2023

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of BNSS, 2023, to suspend the sentence imposed in Crl.A.No.300 of 2023 dated 12.11.2024 by the learned Principal Sessions Judge, Tiruppur, confirming the judgment in CC.No.401 of 2023 dated 25.07.2023 passed by the learned Judicial Magistrate-II, Tiruppur, pending disposal of the above criminal revision petition.

For Petitioner : Mr.T.Saravanan

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



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ORDER

This Criminal Miscellaneous Petition has been filed praying to suspend the sentence imposed in Crl.A.No.300 of 2023 dated 12.11.2024 by the learned Principal Sessions Judge, Tiruppur, confirming the judgment in CC.No.401 of 2023 dated 25.07.2023 passed by the learned Judicial Magistrate-II, Tiruppur, pending disposal of the above criminal revision petition.

2. The petitioner herein is the accused in CC.No.401 of 2023 on the file of the learned Judicial Magistrate-II, Tiruppur. He was found guilty of the offences under Section 379 of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 379 of IPC	to undergo rigorous imprisonment for a period of three years

Aggrieved by the same, the petitioner preferred appeal before the learned Principal Sessions Judge, Tiruppur in Crl.A.No.300 of 2023, wherein the judgment of the trial court was confirmed, against which the aforesaid



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criminal 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 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) 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.



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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/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-II, Tiruppur

(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.



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(c) The petitioner shall appear before the Trial Court daily at 10.30 a.m. for a period of 30 days and thereafter 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.

04.07.2025
(2/2)

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 Principal Sessions Judge, Tiruppur,
- 2.The learned Judicial Magistrate-II, Tiruppur
- 3.The Inspector of Police,
South Police Station
- 4.Central Prison,
Coimbatore
5. The Public Prosecutor,
Madras High Court

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