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*Crl.M.P.Nos.10940 & 10942 of 2025
in Crl.R.C.No.744 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2025

CORAM:

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

Crl.M.P.Nos.10940 & 10942 of 2025
in
Crl.R.C.No.744 of 2025

Geo Thomas Petitioner in both petitions

Vs

State Rep By,
The Inspector of Police
PEW Unit.
Coimbatore City,
Coimbatore District.
(Crime No.7 of 2011)

..... Respondent in both petitions

Prayer in Crl.M.P.No.10940 of 2025: Criminal Miscellaneous Petition filed under Section 438(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence made under Judgment dated 20.11.2024 in Crl.A.No.74 of 2023, on the file of the I Additional District & Sessions Judge, Coimbatore, confirming the conviction and sentence in the Judgment dated 16.12.2022 made in C.C.No.170 of 2012, on the file of the Judicial Magistrate No.III, Coimbatore, pending disposal of the above criminal revision petition.



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Prayer in Crl.M.P.No.10942 of 2025: Criminal Miscellaneous Petition is filed under Section 38(1) of BNSS, 2023, to exempt from surrender of the petitioner before the I Additional District and Sessions Judge, Coimbatore in Crl.A.No.74 of 2023, Judgment dated 20.11.2024 confirming the order passed by the Judicial Magistrate No.III, Namakkal in C.C.No.170 of 2012 Judgment dated 16.12.2022.

In both petitions

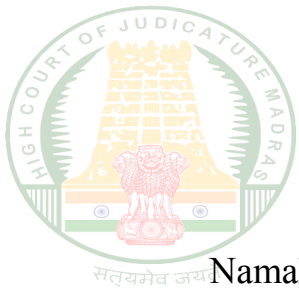
For Petitioner : Mr.J.Jayan

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

COMMON ORDER

Crl.M.P.No.10940 of 2025 has been filed by the petitioner, seeking suspension of sentence imposed by the learned I Additional District & Sessions Judge, Coimbatore in Crl.A.No.74 of 2023, dated 20.11.2024, confirming the Judgment dated 16.12.2022 passed in C.C.No.170 of 2012 by the learned Judicial Magistrate No.III, Coimbatore and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. Crl.M.P.No.10942 of 2025 has been filed to exempt the petitioner from surrendering before the Trial Court as per the judgment in C.C No.170 of 2012 dated 16.12.2022 passed by the Judicial Magistrate No.III,

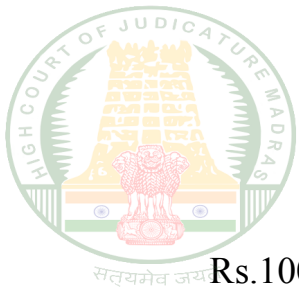


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Namakkal and confirmed by judgment in Crl.A.No.74 of 2023 dated 20.11.2024 passed by the I Additional District and Sessions Judge, Coimbatore.

3. The petitioner herein is the 4th accused in C.C.No. 170 of 2012 on the file of the learned Judicial Magistrate No.III, Coimbatore. He was found guilty of the offence under Sections 4(1)(a), 4(1)(aaa) and 5 of TNP Act, Rule 7 of Tamilnadu Rectified Spirit Rules r/w 11 of TNP Act, 468, 471 IPC and 25(1)(B)(a) r/w 3 of Arms Act, 1959 and sentenced to pay Rs.1000/- for offence under Section 4(1)(a) of TNP Act; to undergo one year Rigorous imprisonment and to pay a fine of Rs.10,000/- for offence under Section 4(1)(aaa) of TNP Act; to undergo three years Rigorous imprisonment and to pay a fine of Rs.10,000/- for the offence under Section 5 of TNP Act; to pay a fine of Rs.500/- for the offence under Rule 7 of Tamilnadu Rectified Spirit Rules 2000, r/w 11 of TNP Act; to undergo three years Rigorous imprisonment and to pay a fine of Rs.10,000/- for the offence under Section 468 IPC; to undergo three years Rigorous imprisonment and to pay a fine of Rs.10,000/- for the offence under Section 471; to undergo one year Rigorous imprisonment and to pay fine of



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Rs.1000/- for the offence under Section 25(1)(B)(a) r/w 3 of Arms Act, 1959, in default, to undergo three months simple imprisonment. Aggrieved by the same, the petitioner filed an appeal in Crl.A No.74 of 2023 and the learned I Additional District and Sessions Judge, Coimbatore, by order dated 20.11.2024, had dismissed the said appeal, confirming the sentence imposed by the trial Court. Aggrieved by the same, the present revision has been filed.

4 . Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.

5. Considering the submissions made by the learned counsel on either side, this Court finds no prima facie case to suspend the sentence imposed on the petitioner, since the petitioner had committed very serious offence as against the Society. Therefore, this Court is not inclined to suspend the sentence imposed by the Judicial Magistrate No.III, Namakkal in C.C. No.170 of 2012 dated 16.12.2022 and confirmed by the judgment in Crl.A.No.74 of 2023 dated 20.11.2024 passed by the I Additional District



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and Sessions Judge, Coimbatore. This Court also not inclined to exempt the petitioner from surrendering before the Trial Court.

6. Accordingly, these Criminal Miscellaneous Petitions are dismissed. The Trial Court is directed to secure the petitioner, in order to comply with the conviction and sentence imposed by the Trial Court, which was also confirmed by the Appellate Court.

13.06.2025
(2/2)

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

To

1.The I Additional District & Sessions Judge,
Coimbatore

2.The Judicial Magistrate No.III,
Coimbatore.

3.The Inspector of Police
PEW Unit.
Coimbatore City,
Coimbatore District.



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4.The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.
Lpp

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