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*Crl.M.P.No.13166 of 2025
in Crl.RC.No.984 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2025

CORAM:

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

Crl.M.P.No.13166 of 2025
in
Crl.R.C.No.984 of 2025

Rajesh

.... Petitioner

Vs

State represented by
Inspector of Police,
Kuthalam.

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the appellant by the District Judge, Mayiladuthurai, in Crl.A.No.02 of 2022 dated 06.09.2024 confirming the order of Judicial Magistrate Court No.1, Mayiladuthurai in C.C.No.283 of 2015 dtd 07.12.2021 pending disposal of the above criminal revision petition.

For Petitioner : Mr.S.K.Sivakumar
for M/s.K.M.Vijayan Associates

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

ORDER



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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned District Judge, Mayiladuthurai in Crl.A.No.02 of 2022 dated 06.09.2024, thereby confirming the order dated 07.12.2021 passed in C.C.No.283 of 2015 on the file of the Judicial Magistrate No.I, Mayiladuthurai and enlarge the petitioner on bail pending disposal of the above revision.

2. The petitioner herein is an accused in C.C.No.283 of 2015 on the file of the learned Judicial Magistrate No.I, Mayiladuthurai. He was found guilty of the offence under Section 326 of IPC and sentenced him to undergo rigorous imprisonment for a period of two years and to pay fine of Rs.2,000/- in default, to undergo two months simple imprisonment. Aggrieved by the same, the petitioner had filed an appeal in C.A.No.02 of 2022 and the learned District Judge, Mayiladuthurai, by order dated 06.09.2024, 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 and the



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petitioner/accused has got a fair chance of succeeding in the Criminal Revision and hence, the substantive sentence imposed against him may be suspended. He would submit that the petitioner is ready to abide any condition to be 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.

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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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 is 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 District Judge, Mayiladuthurai.

(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 everyday at 10.30 a.m., for a period of thirty 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 and if there are not able to appear before the trial Court on any day, they 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



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is ordered.

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(2/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

Lpp

To

1.The District Judge,
Mayiladuthurai.

2.The Judicial Magistrate No.I,
Mayiladuthurai.

3.The Superintendent,
Central Prison, Cuddalore

4.The Inspector of Police,
Kuthalam.

5.The Public Prosecutor,
Madras High Court,
Chennai.

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