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*Crl.M.P.Nos.9980 and 9982 of 2025
in Crl.R.C.No.603 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.Nos.9980 and 9982 of 2025

in

Crl.R.C.No.603 of 2025

Rathinam

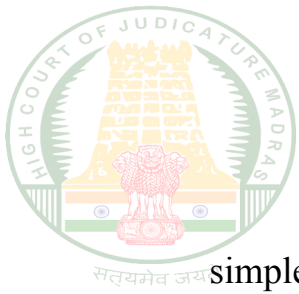
...Petitioner in both
Petitions

Vs.

The State by
The State By,
Sub Inspector of Police,
Mettur Dam,
Salem District.
(CRIME.No.58 of 2017)

... Respondent in both
Petitions

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Section 430 and 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on petitioner by judgment dated 21.02.2025 made in Crl.A.No.38 of 2024 passed by the learned Additional District Judge, Fast Track Court, Mettur Salem District in confirming the judgment of the Trial court dated 05.02.2024 in CC No.46 of 2017 passed by learned Judicial Magistrate No.II, Mettur, Salem District, wherein convicted the petitioner under Section 279 and 304(A) IPC for the period of 2 months



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simple imprisonment and to pay a fine of Rs.2,000/-, in default to undergo simple imprisonment for 2 weeks and enlarge the petitioner on bail pending disposal of the above Criminal Revision petition and to pass an order of an exemption to surrender the petitioner before the Lower Court in pursuant to the Judgement dated 21.02.2025 made in Crl.A.No.38 of 2024 passed by the learned Additional District Judge, Fast Track Court, Mettur Salem District in confirming the judgment of the Trial court dated 05.02.2024 in CC No.46 of 2017 passed by learned Judicial Magistrate No.II, Mettur, Salem District, wherein convicted the petitioner under Section 279 and 304(A) IPC for the period of 2 months simple imprisonment and to pay a fine of Rs.2,000/-, in default to undergo simple imprisonment for 2 weeks.

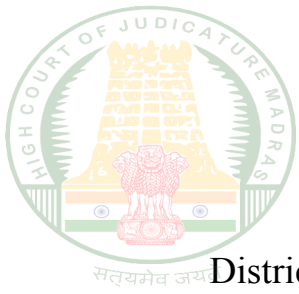
In Both Petitions

For Petitioner : Mr.M.R.Jothimanian

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

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking suspension of sentence imposed by the Judgment dated 21.02.2025 made in Crl.A.No.38 of 2024 passed by the learned Additional District Judge, Fast Track Court, Mettur Salem District, by confirming the judgment and sentence passed by the Trial court dated 05.02.2024 in CC No.46 of 2017 passed by learned Judicial Magistrate No.II, Mettur, Salem



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District, and enlarge the petitioner on bail and seeking to exempt the petitioner from surrendering before the trial Court pending disposal of the above revision petition.

2. The petitioner herein is the accused in C.C.No.46 of 2017 on the file of the learned Judicial Magistrate No.II, Mettur, Salem District. He was found guilty of the offence under Sections 279 & 304-A of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 279 of IPC	to undergo simple imprisonment for a period of two months and to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for two weeks.
2	Section 304-A of IPC	to undergo simple imprisonment for a period of two months and to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for two weeks.

Aggrieved by the same, the petitioner had filed appeal in C.A.No.38 of 2024 and the learned Additional District Judge, Fast Track Court, Mettur Salem District. By order dated 21.02.2025, the appellate Court had dismissed the appeal and confirmed the conviction and sentence, against which the present 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 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.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing these petitions. 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.



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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. 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, Mettur, Salem District.

(b) The petitioner/accused and the sureties shall affix



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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.

7. With the above directions, these Criminal Miscellaneous Petitions are ordered.

02.06.2025
(2/2)

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

1. The Additional District Judge,
Fast Track Court, Mettur Salem District.
2. The Judicial Magistrate No.II, Mettur, Salem District.
3. The Sub Inspector of Police,
Mettur Dam,
Salem District.
4. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.
mn

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