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CRL MP No. 9984 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRL MP No. 9984 of 2025

in

Crl.A.No.291 of 2024

1. M.Sakthivel

2. S.Balu

Petitioner(s)

Vs

State Rep.by
The Inspector of Police,
Pudupettai Police Station,
Cuddalore District.
(Cr.No.342/2016.)

Respondent(s)

PRAYER

This Criminal Miscellaneous Petition has been filed under Section 430(1) of BNSS to suspend the sentence imposed in S.C.No.34 of 2018 dated 13.02.2024 on the file of I Additional District and Session Court, Fast Track



Court at Cuddalore and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

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For Petitioner(s): Mr.R.Sankarasubbu

For Respondent(s): Mr. A.Damodaran,
Addl. Public Prosecutor,
Assisted by
Mr.M.Arifa Thasneem

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence and conviction made in the judgment dated 13.02.2024, in S.C.No.34 of 2018, passed by the learned I Additional District and Sessions Judge, Fast Track Court, Cuddalore, pending disposal of the Criminal Appeal before this Court and enlarge the petitioners on bail.

2. The learned I Additional District and Sessions Judge, Fast Track Court, Cuddalore, in S.C.No.34 of 2018, had convicted and sentenced the petitioners/A1 & A2 as follows:



Rank of accused	Offence	Imprisonment	Fine
A1 & A2	148 IPC	Three Years Rigorous Imprisonment	--
A1 & A2	341 IPC	One month simple imprisonment	--
A1 & A2	324	Three Years Rigorous Imprisonment	--
A1 & A2	302	Life Imprisonment	Rs.3000/-, each in default to undergo three months simple imprisonment

3. Challenging the above conviction and sentence, the petitioners/A1 & A2 have filed the present Criminal Appeal and they seek suspension of sentence and bail in the present Miscellaneous Petition.

4. The earlier petition has been dismissed as withdrawn. The learned Counsel appearing for the petitioners/A1 & A2 would submit that the prosecution has suppressed the very origin of the occurrence. It is contended that there was a group clash, in which, the accused had also sustained serious injuries. Even at the time of admitting her husband/deceased in the hospital, P.W.1 informed the doctor that her husband/deceased was attacked by 20 persons. However, selectively the accused persons have been prosecuted. It is



further submitted that the injuries on the accused had not been explained. In fact the witnesses are aggressors.

5. The learned Additional Public Prosecutor appearing on behalf of the respondent filed the counter affidavit and objected granting of suspension of sentence to the petitioner.

6. We have heard the rival submissions and perused the entire materials available on record.

7. Accordingly, considering the submissions made on either side, we find that a *prima facie* case is made out and taking into account the fact that the Criminal Appeal is not likely to be taken up 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.

8. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and



the sentence imposed on the petitioners is suspended on the following conditions:-

(i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate II, Panruti;

(ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the satisfaction Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(iii) The petitioners shall appear before the said Court on every Monday at 10.30 a.m., until the disposal of the Criminal Appeal and if they are not able to appear before the said Court on any day, they shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the said Court on any other day in lieu of the date of their absence, as directed by the trial Court.

(iv) On the failure of any of the above conditions by the petitioners/ accused, it is open to the satisfaction Court to commit the petitioners / accused into custody for undergoing the sentence.

(N.SATHISH KUMAR J.) (M.JOTHIRAMAN J.)

27-11-2025



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- To
1. I Additional District and Session Court,
Fast Track Court, Cuddalore .
 2. The Judicial Magistrate II, Panruti.
 3. The Inspector of Police,
Pudupettai Police Station,
Cuddalore District.
 4. The Superintendent,
Central Prison, Cuddalore.
 5. The Public Prosecutor,
High Court of Madras, Chennai.



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AND
M.JOTHIRAMAN J.

mrp

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