



Crl.M.P.Nos.10006 & 10007 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.05.2025**

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

CRL.M.P.Nos.10006 & 10007 of 2025

in

Crl.RC.No.609 of 2025

Navas

... Petitioner/Accused 3

Versus

The State Rep. by
The Inspector of Police,
Civil Supply-CID,
Pollachi,
Coimbatore.

... Respondent

Prayer in Crl.M.P.No.10006 of 2025:- Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, to suspend the sentence made in judgement dated 04.03.2025 made in Crl.A.No.79 of 2023, on the file of learned I Additional District Judge, Coimbatore, confirming the conviction and sentence in the judgment dated 27.02.2023 made in C.C.No.21 of 2014, before the Judicial Magistrate – IV, Coimbatore pending disposal of the above criminal revision petition and enlarge the petitioner on bail.

Prayer in Crl.M.P.No.10007 of 2025:- Criminal Miscellaneous Petition filed under Section 528 of BNSS, to exemption from surrender of the petitioner before the learned I Additional District Judge, Coimbatore in Crl.A.No.79 of 2023 and



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accept his surety before the Judicial Magistrate – IV, Coimbatore in C.C.No.21 of 2014.

For Petitioner : Mr.W.Camyles Gandhi.
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking to suspend the sentence imposed on the revision petitioner/accused in C.C.No.21 of 2014 dated 27.02.2023 by the learned Judicial Magistrate No.IV and confirmed by the learned I Additional District Judge in Crl.A.No.79 of 2023 on 04.03.2025 and enlarge the petitioner on bail pending disposal of the above revision and to exempt the petitioner from surrendering before the trial court, pending disposal of the above revision.

2.The petitioner/Accused 3 in C.C.No.21 of 2014 was convicted by the Trial Court by judgement dated 27.02.2023 for the offences under Section 6(4) of TNSC (RDCS) Order 1982 r/w Section 7(1)a(ii) of EC Act, 1955 to undergo 3 year simple imprisonment and to pay fine of Rs.5000/- each in default simple imprisonment for one month, which was confirmed in Crl.A.79 of 2023 passed by



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the I Additional District Judge, against which the petitioner preferred this Criminal revision.

3.The learned counsel appearing for the petitioner would contend that the judgement of the Trial Court is totally defective since the available evidence are not sufficient to warrant a conviction, hence sentence imposed on the petitioner may be suspended.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the prosecution has proved the case beyond reasonable doubt and the trial Court on finding the petitioner guilty, convicted and sentenced him as stated above. Therefore, he vehemently opposed for grant of suspension of sentence.

5.Considering the submissions made by both sides and the fact that the petitioner has raised substantial grounds in the above revision, which requires consideration, this Court is inclined to grant the relief of suspension of sentence to the petitioner.



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6. Accordingly, these criminal miscellaneous petitions are ordered and the petitioner is exempted to surrender before the concerned Court and the sentence of imprisonment imposed on the petitioner is suspended till the disposal of the revision case and he is ordered to be enlarged on bail, on further condition that;

- (i) the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each, for a like sum to the satisfaction of learned Judicial Magistrate No.IV, Coimbatore.
- (ii) The petitioner and the sureties shall affix their photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.
- (iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal 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.

dpa/skr

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Note:

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this court will be watermarked and will also have a QR code.**

To

1.The Judicial Magistrate No.IV, Coimbatore

2.The Inspector of Police,
Civil Supply-CID,
Pollachi,
Coimbatore.

3.The Public Prosecutor,
Madras High Court.



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N.SENTHILKUMAR, J.

dpa/skr

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