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CRL MP Nos. 10031 & 10032 of
2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-05-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP Nos. 10031& 10032 of 2025

IN

CRL A NO. 485 OF 2025

Kumar

S/o.Meganathan, No.149, Main Road,
Sholampettai, Mayiladuthurai District -
609 003.

Appellant(s)

Vs

State Rep. by Inspector of Police,
Palaiyur Police Station, Mayiladuthurai
District. Cr.No.271/2016

Respondent(s)

Prayer: Criminal Miscellaneous Petitions have been filed under Section 430 of BNSS & 482, praying to suspend the sentence imposed on the appellant by the District and Sessions Judge, Mayiladuthurai in S.C.No.116 of 2018 dated 25.04.2025 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal and to exempt the petitioner to surrender before the concern Court.

For Petitioner(S): Mr.K.M.Vijayan
Associates

For Respondent(s): Public Prosecutor

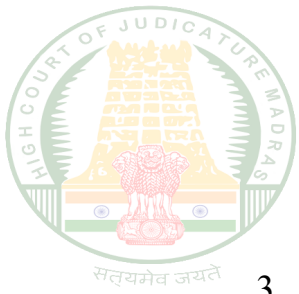


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ORDER

The petitioner in S.C.No.116 of 2018 was convicted by the Trial Court by the judgment dated 25.04.2025 for the offence under Section 307 IPC and sentenced to undergo 3 years Rigorous Imprisonment along with a fine of Rs.2,000/- in default of payment of fine, 3 months Rigorous Imprisonment and under Section 4(1)(a) of TNP Act and sentenced to undergo 3 months Simple Imprisonment and under Section 3 (1) of TNPPDL Act and sentenced to undergo 3 years Rigorous Imprisonment along with a fine of Rs.2,000/-, in default of payment of fine, 1 month Rigorous Imprisonment, against which the petitioner preferred the above appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

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

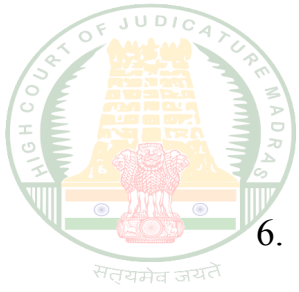


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3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the prosecution has proved the case beyond reasonable doubt and the trial Court on finding the petitioner guilty, convicted and sentenced him as stated above.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

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

5. Accordingly, the petitioner is exempted from surrendering before the Trial Court and the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the appeal and he is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the trial Court.



6. Further, the petitioner shall appear before the Trial Court once in three months at 10.30 a.m. on the first working day of the month, until the disposal of the appeal and if he is not able to appear before the Trial Court on that 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.

7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

16-05-2025
(2/2)

Jai/gbi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



CRL MP Nos. 10031 & 10032,
2025



To
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1.State Rep. by Inspector of Police,
Palaiyur Police Station, Mayiladuthurai
District. Cr.No.271/2016.

2. The Inspector of Police,
Palaiyur Police Station,
Mayiladuthurai District.
Cr.No.271 of 2016
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

Jai/gbi

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