



WEB COPY

CRL MP Nos. 10027 & 10028
2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-05-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP Nos. 10027 & 10028 of 2025

IN

CRL RC NO. 611 OF 2025

Anbazhagan

S/o.Kaliyaperumal, Mainroad,
Kaathirupu, Sirkali Taluk.

Appellant(s)

Vs

The State Rep by, The Inspector of
Police,
Paagalasi Police Station,
Mayiladuthurai District. Cr.No.61/2018.

Respondent(s)

Prayer:

Criminal Miscellaneous Petitions have been filed under Section 430 of BNSS praying to suspend the sentence imposed on the appellant by the District Judge, Mayiladuthurai in CrI.A.No.15/2023 dated 24.03.2025 confirming the order of Magistrate Court No.2, Mayiladuthurai in C.C.No.290 of 2018 dated 24.07.2023 pending disposal of the above Criminal Revision Petition and exempt the petitioners to surrender before the concern Court.

For Petitioner(s): R.Shivakumar
 for Mr.K.M.Vijayan
 Associates

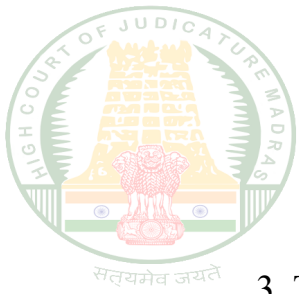


For Respondent(s): Public Prosecutor

ORDER

WEB COPY These Criminal Miscellaneous Petitions are filed seeking suspension of sentence imposed on the petitioner by the learned Judicial Magistrate Court No.2, Mayiladuthurai in C.C.NO.290 of 2018 on 24.07.2023, confirmed by the learned District Judge, Mayiladuthurai in Crl.A.No.15 of 2023 dated 24.03.2025.

2. The petitioner is convicted in C.C.No.290 of 2018 dated 24.07.2023, by the learned Judicial Magistrate Court No.2, Mayiladuthurai for offence under Section 294(b) IPC by imposing fine of Rs.500/- and in default of payment of fine, to undergo one week Simple Imprisonment and under Section 326 IPC for a period of 3 years Simple Imprisonment with fine of Rs.1000/- in default of payment of fine to undergo 1 month Simple Imprisonment, which was confirmed in Crl.A.No.15 of 2023 on 24.03.2025 passed by the learned District Judge, Mayiladuthurai, against which, the petitioner preferred this Criminal Revision.



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3. 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/A-1 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 appeal, which requires consideration, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

6. Accordingly, the petitioner is exempted to surrender before the



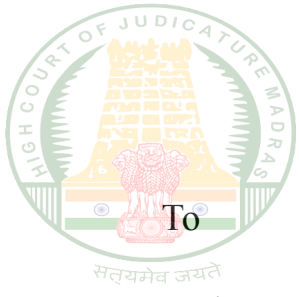
concerned Court and the sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the appeal and he is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the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

7. 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.

8. Accordingly, these Criminal Miscellaneous Petitions are ordered.

16-05-2025
(2/2)

Jai/gbi



CRL MP Nos. 10027 & 10028
2025



To

1. The State Rep by, The Inspector of
Police,
Paagalasi Police Station,
Mayiladuthurai District. Cr.No.61/2018

2. The District Judge, Mayiladurai.
3. The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR J.

Jai/gbi

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