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Crl.M.P No.10052 of 2025
in Crl.A.No.496 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.10052 of 2025
in
Crl.A.No. 496 of 2025

- 1.Viji @ Vijayakumar
- 2.Muni Krishna
- 3.Gopal @ Gopalakrishnan
- 4.Sathish Kumar

... Petitioners

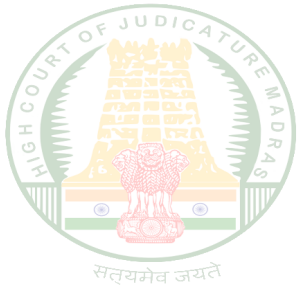
Vs

The State Rep by Inspector of Police:
Thally Police Station,
Thally, Krishnagiri.
(Crime No.170 of 2016)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed in the judgment dated 28.04.2025 in S.C.No.30 of 2023 on the file of the Learned Assistant Sessions Judge, Denkanikottai, Pending disposal of the Crl.A.No.496 of 2025.

For Petitioner : Mr.S.Suresh Kumar
For Respondent : Mr.S.Raja kumar
Additional Public Prosecutor



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the trial court on the file of the Learned Assistant Sessions Judge, Denkanikottai in S.C.No.30 of 2023 dated 28.04.2025 for the offence punishable under Sec.451, 395 r/w 397, 342 of IPC and enlarge the petitioners on bail pending disposal of the above Criminal Appeal.

2. The petitioners herein are the accused A-5 t A-8 in S.C.No.30 of 2023 on the file of the Learned Assistant Sessions Judge, Denkanikottai. They were found guilty of the offence under Sec.451, 395 r/w 397, 342 of IPC and have been convicted and sentenced to undergo seven years of simple imprisonment and to pay a fine of Rs.5,000/- each in default in payment of the same, they shall undergo simple imprisonment for a period of six months under Section 451 of I.P.C, to undergo ten years of rigorous imprisonment and to pay a fine of Rs.5,000/- in default of payment of the same, they shall undergo simple imprisonment for a period of six months under Section 395 r/w 397 of I.P.C. The accused persons were also



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convicted and sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.5,000/- in default of payment of the same they shall undergo simple imprisonment for a period of six months under Section 342 of IPC. The said sentences were directed to run concurrently. Aggrieved by the same, the present appeal has been filed.

3. The learned counsel for the petitioners/accused would submit that there are arguable points available in the Criminal Revision Case and the petitioners/accused have got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioners/accused may be suspended. He would submit that the petitioners are ready to abide the condition imposed by this Court.

4. Heard the learned counsel appearing for the petitioners and also perused the materials placed on record.

5. Considering the submissions of the learned counsel for the petitioners, coupled with the quantum of punishment imposed upon the



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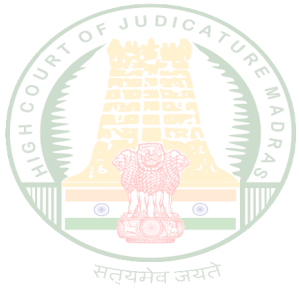
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petitioner and taking into consideration the fact that this criminal revision is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail is granted on the following conditions:

(i) The petitioners shall execute a bond for a sum of Rs.25,000/- each with two sureties, each for a likesum to the satisfaction of the trial court;

(ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial 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 Trial Court daily for a period of 30 days thereafter on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision petition and if they are 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



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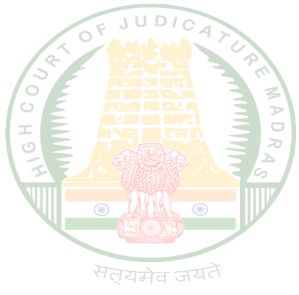
any other day in lieu of the date of their absence, as directed
by the trial Court;

6. With the above directions, this Criminal Miscellaneous Petition is
ordered.

07.07.2025

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

Nhs



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G.K.ILANTHIRAIYAN, J.

Nhs

To

1. The Inspector of Police,
Thally Police Station,
Thally, Krishnagiri.
2. The Assistant Sessions Judge,
Denkanikottai, Krishnagiri.
3. The Central Prison,
Salem
4. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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