

Crl.M.P.No.10111 of 2025

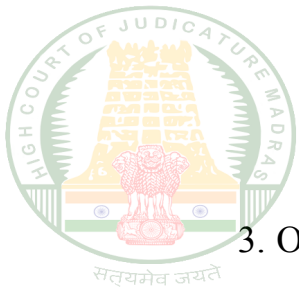
Crl.M.P.No.10111 of 2025
in Crl.R.C.No.622 of 2025

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N.SENTHILKUMAR.J.

Today, this matter is listed under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner.

2. Learned counsel for the petitioner submitted that, this Court, vide order dated 22.05.2025 allowed the Criminal Miscellaneous Petition by suspending the sentence imposed on the petitioner. He submitted that in Paragraph 7(i) of the said order, it is mentioned that the petitioner shall surrender before the trial Court. Since the petitioner is still in the custody, the question of surrender does not arise, which requires to be modified. Further, he submitted that the appellant has been convicted by the trial Court only under Section 307 IPC and has been acquitted for the offence under Section 294(b) IPC and that the challenge was made only for the offence under Section 307 IPC before the Appellate Court. Therefore, the learned counsel submitted that the sections referred to under the head “Provision under which convicted”, mentioned in Paragraph 2 of the said order, shall be modified.



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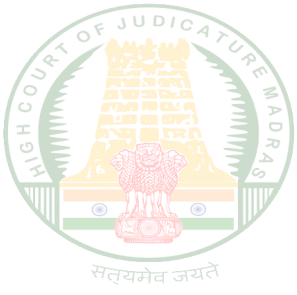
3. On consideration of the submission made by the learned counsel for the petitioner, paragraph 7 and 7(i) of the earlier order of this Court dated 22.05.2025 passed in Crl.M.P.No.10111 of 2025 in Crl.R.C.No.622 of 2025, shall be deleted and stand substituted as follows:-

"7. Accordingly, this Criminal Miscellaneous Petition is 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 the learned Assistant Sessions Judge, Rasipuram;"

4. Further, the tabular column in Paragraph 2 of the order dated 22.05.2025 shall be modified as below:

Petitioner's Rank	Provision under which convicted	Sentence
Single accused	The accused is convicted under Section 307 IPC	To undergo rigorous imprisonment for 5 years and to pay a fine of Rs.10,000/- in default to undergo simple imprisonment for six months.
	The accused is not found guilty under Section 294(b) IPC and has been acquitted under Section 235(1) Cr.P.C.	



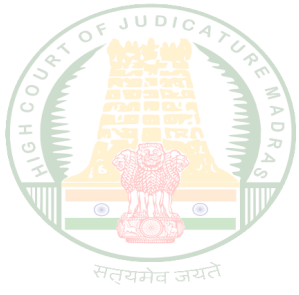
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WEB COPY 5. All the other observations made in the earlier order dated 22.05.2025 shall remain intact.

6. Registry is directed to carry out the necessary correction as aforesaid in the order dated 22.05.2025 and issue fresh copy of the order to the learned counsel for the parties.

03.06.2025

Anu



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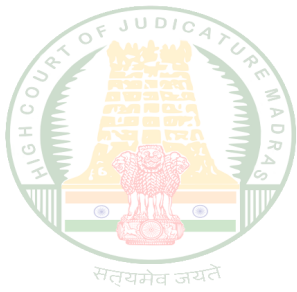
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N.SENTHILKUMAR, J.

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Crl.M.P.No.10111 of 2025
in Crl.R.C.No.622 of 2025

03.06.2025



Crl.M.P.No.10111 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.No.10111 of 2025

in

CrI.RC.No.622 of 2025

V.C.Prabhu

... Petitioner

Versus

The State Rep. by
The Inspector of Police,
Rasipuram Police Station,
Namkkal District.

... Respondent

Prayer:- Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, to suspend the sentence made under Judgment dated 20.08.2024 in CrI.A.No.116 of 2022, on the file of the Learned Special Court for Trial of case registered under SC/ST (POA) Act, Namakkal, confirming the conviction and sentence in the judgment dated 14.09.2022 in S.c.No.105 of 2017, on the file of Assistant Sessions Judge, Rasipuram, pending disposal of the above criminal revision petition.

For Petitioner : Mr.W.Camyles Gandhi.

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI. Side)

ORDER



Crl.M.P.No.10111 of 2025

WEB COPY This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence of imprisonment imposed in Judgment dated 20.08.2024 made in C.A.No.116 of 2022 on the file of the learned Special Court for Trial of case, confirming the Judgement dated 14.09.2022 made in S.C.No.105 of 2017, on the file of the Assistant Sessions Judge, Rasipuram, and enlarge the petitioner on bail, pending disposal of the above revision.

2. The petitioner, who was accused in S.C.No.105 of 2017 was convicted and sentenced by the Assistant Sessions Judge, Rasipuram as follows:

petitioner's Rank	Provision under which convicted	Sentence
Single accused	The accused is not guilty under Section 294(b) of IPC and has acquitted the accused under Section 235(1) of IPC	To undergo rigorous imprisonment for 5 years and to pay a fine of Rs.10,000/- in default to undergo simple imprisonment for six months.

3. Aggrieved over the above conviction and sentence passed by the trial



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court, the petitioner preferred Crl.A.No.116 of 2022 before Special Court for

Trial of case, wherein, the conviction and sentence imposed by the trial court was confirmed by the learned Judge, by her judgment dated 20.08.2024. Against the judgment of the appellate court, the petitioner has preferred the present criminal revision along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. Heard the learned counsel appearing for the petitioner.

5. The learned counsel for the petitioner submitted that there are arguable points in this revision and the petitioner has a good and fair chance of success in this revision. Thus, he prayed for suspension of sentence imposed on the petitioner till the disposal of this Criminal revision.

6. The petitioner has raised substantial grounds in the revision which require detailed appraisal. Further, the revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, this criminal miscellaneous petition stands **allowed** and



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the relief of suspension of sentence alone is granted on the following conditions:

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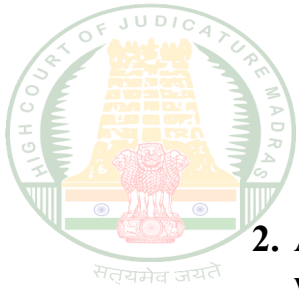
- (i) The petitioner shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each, for a like sum to the satisfaction of Assistant Sessions Judge, Rasipuram.
- (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

22.05.2025
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Note:

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**



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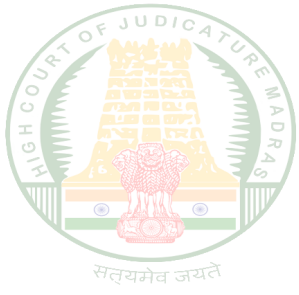
- 2. All concerned to act on this order being uploaded in official website of this court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this court will be watermarked and will also have a QR code.**

To

- 1.The Assistant Sessions Judge, Rasipuram.
- 2.The Inspector of Police,
Rasipuram Police Station,
Namkkal District.
3. The Superintendent of Prison,
Central Prison, Salem.
- 4.The Public Prosecutor,
Madras High Court.

N.SENTHILKUMAR, J.

dpa/skr



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22.05.2025

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