



Crl.M.P.No.10125 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.08.2025**

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.M.P.No.10125 of 2025

in

Crl.RC.No.624 of 2025

Mr.Manikandan @ Mani
S/o.Murugesan
Arumuga Iyer Street
Kannankurichi, Salem 8
Now confined at Central Prison, Salem.

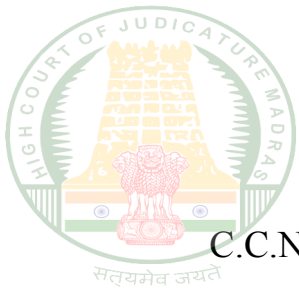
... Petitioner

Versus

The Inspector of Police,
Mallur Police Station,
Salem District,
Crime No.432 of 2017

... Respondent

Prayer:- Criminal Miscellaneous Petition filed under Section 438(1) & 442 of BNSS Act, 2023 r/w Sections 397(1) & 401 of Cr.P.C, to suspend the sentence imposed in the Judgment passed in C.A.No.26 of 2020 on the file of the learned Principal Sessions Judge, Salem dated 20.04.2021 confirming the Conviction passed by the Judicial Magistrate No.VI, Salem by judgment dated 20.01.2020 in



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C.C.No.165 of 2018.

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For Petitioner : Mr.M.Mohamed Saifulla

For Respondent : Ms.J.R.Archana
Government Advocate (Crl. Side)

ORDER

The matter is brought before this Court by way of “for being mentioned”.

2.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent.

3.In view of the submissions made by the learned counsel for the petitioner, Paragraph No.7 of the order passed by this Court in Crl.MP.No.10125 of 2025 in Crl.RC.No.624 of 2025 on 22.05.2025, is hereby modified as follows:

*“Accordingly, this criminal miscellaneous petition stands **allowed** and the relief of suspension of sentence alone is granted on the following conditions:*

- (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 **Judicial Magistrate No.VI, Salem.***
- (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*



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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.

(iv)This order of suspension shall be subject to payment of fine imposed on the petitioner by the trial Court in the judgment.”

Registry is directed to carry out necessary corrections in the order copy and issue fresh order copy.

28.08.2025

sai

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.VI, Salem
2. The Superintendent of Prison,
Central Prison, Salem.

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CrI.M.P.No.10125 of 2025

3.The Public Prosecutor, Madras High Court.

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N.SENTHILKUMAR, J.

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Crl.M.P.No.10125 of 2025

in Crl.RC.No.624 of 2025

28.08.2025



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.05.2025**

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.M.P.No.10125 of 2025

in

Crl.RC.No.624 of 2025

Mr.Manikandan @ Mani

... Petitioner

Versus

The State Rep. by
Rep. by the Inspector of Police,
Mallur Police Station,
Salem District,
Crime No.432 of 2017

... Respondent

Prayer:- Criminal Miscellaneous Petition filed under Section 438(1) & 442 of BNSS Act, 2023 r/w Sections 397(1) & 401 of Cr.P.C, to suspend the sentence imposed in the Judgment passed in C.A.No.26 of 2020 on the file of the learned Principal Sessions Judge, Salem dated 20.04.2021 confirming the Conviction passed by the Judicial Magistrate No.VI, Salem by judgment dated 20.01.2020 in C.C.No.165 of 2018.

For Petitioner : Mr.M.Mohamed Saifulla

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



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ORDER

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This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence of imprisonment imposed in Judgment passed in C.A.No.26 of 2020 on the file of the learned Principal Sessions Judge, Salem dated 20.04.2021 confirming the Conviction passed by the Judicial Magistrate No.VI, Salem by judgment dated 20.01.2020 in C.C.No.165 of 2018.

2. The petitioner, who was accused in C.C.No.165 of 2018 was convicted and sentenced by the Judicial Magistrate No.VI, Salem as follows:

<i>petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Single accused	Section 454 of IPC	To undergo simple imprisonment for a period of three years and to pay a fine of Rs.1000/- I/d to undergo simple imprisonment for one month
	Section 380 of IPC	To undergo simple imprisonment for a period of three years and to pay a fine of Rs.1000/- I/d to undergo simple imprisonment for one month

3. Aggrieved over the above conviction and sentence passed by the trial court, the petitioner preferred CrI.A.No.26 of 2020 before the Principal Sessions



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Judge, Salem, wherein, the conviction and sentence imposed by the trial court was confirmed by the Sessions Judge, by his judgment dated 20.04.2021. 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.



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

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

- (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 **Judicial Magistrate No.VI, Salem.**
- (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.

skr/dpa

22.05.2025
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To

1. Judicial Magistrate No.VI, Salem
2. The Superintendent of Prison,
Central Prison, Salem.
3. The Public Prosecutor,
Madras High Court.



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N.SENTHILKUMAR, J.

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22.05.2025

(2/2)