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*Crl.M.P.No.10945 of 2025
in Crl.RC.No.745 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.06.2025

CORAM:

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

Crl.M.P.No.10945 of 2025

in

Crl.R.C..No.745 of 2025

Muniyan @ Palani
S/o. Ponnappan,
Parapatti Colony,Chinthamaniyur,
Mettur Taluk,
Salem District.

...Petitioner

Vs.

The State by its
The Inspector of Police,
Mecheri Police Station
Salem District.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438 and 442 BNSS 2023 to suspend the sentence of imprisonment passed by the Judicial Magistrate No.II, Mettur in C.C.No.2/2017 order dated 18.10.2024 and confirmed by the Additional District Court / Fast Track Court, Mettur in Criminal Appeal No.269/2024 order dated 11.03.2025 and enlarge him on bail.



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For Petitioner : Mr.G.Punniakoti

For Respondent : Mr. A.Gopinath
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed in order dated 18.10.2024 passed by the Judicial Magistrate No.II, Mettur in C.C.No.2/2017 confirming the order passed by Additional District Court / Fast Track Court, Mettur in Criminal Appeal No.269/2024 dated 11.03.2025 and enlarge him on bail.

2. The petitioner herein is the accused in C.C.No.2 of 2017 on the file of the learned Judicial Magistrate Court No.II, Mettur. He was found guilty and has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 294(b) IPC	To pay fine of Rs.500/-, in default to undergo simple imprisonment for a period of two weeks.
2	Section 148 IPC	To pay fine of Rs.1,000/- in default to undergo simple imprisonment for a period of two weeks



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S.No.	Conviction	Sentence
3	Section 326 IPC	To undergo simple imprisonment for two years and pay a fine of Rs.2,000/- in default to undergo simple imprisonment for one month u/s. 248 (2) CrPC.

The petitioner had preferred an appeal in C.A.No.269 of 2024 before the Additional District Court / Fast Track Court, Mettur and the appellate court has confirmed the judgment of the trial Court. Aggrieved by the same, the Criminal Revision along with the present miscellaneous petition has been filed.

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

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this



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petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police, further 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.

7. Accordingly, till the disposal of the Criminal Revision the substantive sentence of imprisonment imposed by the learned trial Judge is



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alone suspended and bail is granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on his executing a separate bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.II, Mettur.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court daily for a period of fifteen days and thereafter on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Revision and if he is not able to appear before the trial Court on the said 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. With the above directions, this Criminal Miscellaneous Petition is ordered.

26.06.2025

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G.K.ILANTHIRAIYAN, J.

To

1. The Judicial Magistrate Court No.II, Mettur
2. The Additional District Court / Fast Track Court, Mettur
3. The The Inspector of Police,
Mecheri Police Station
Salem District.
4. The Public Prosecutor,
Madras High Court,
Chennai.
5. The Superintendent,
Central Prison,
Salem.

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