



WEB COPY



*Crl.M.P.No.11928 of 2025
in Crl.RC.No.2303 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2025

CORAM:

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

Crl.M.P.No.11928 of 2025

in

Crl.R.C.No.2303 of 2025

Santhoshkumar

..... Petitioner

Vs

The Inspector of Police,

Poolampatti P.S.

Salem District.

Crime No.20 of 2016

..... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on petitioner passed in S.C.No.358 of 2016 vide Judgment dated 28.08.2018 on the file of learned Assistant Sessions Judge, Sankari and confirmed in C.A.No.142 of 2018 on the file of the II Additional District Judge at Salem vide Judgment dated 17.04.2024 and suspend the sentence and enlarge the petitioner on bail pending disposal of Crl.R.C.No.2303 of 2024.

For Petitioner : Mr.Raja Mohamed

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



*Crl.M.P.No.11928 of 2025
in Crl.RC.No.2303 of 2025*

ORDER

WEB COPY

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned II Additional District Judge, Salem in C.A.No.142 of 2018, dated 17.04.2024, confirming the Judgment dated 28.08.2018 passed in S.C.No.358 of 2016 by the learned Assistant Sessions Judge, Sankari and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3. The petitioner is arrayed as A1 in S.C.No.358 of 2016 on the file of the learned Assistant Sessions Judge, Sankari. The petitioner was found guilty of the offence under Section 392 r/w 397 of IPC and he has been convicted and sentenced to undergo rigorous imprisonment for a period of seven years. Aggrieved by the same, the petitioner preferred an appeal in C.A.No.142 of 2018 and the II Additional District Judge, Salem, by an order dated 17.04.2024, dismissed the above appeal, confirming the judgment and



*Crl.M.P.No.11928 of 2025
in Crl.RC.No.2303 of 2025*

WEB COPY

sentence imposed by the Trial Court. Aggrieved by the same, the present revision has been filed along with the present miscellaneous petition.

4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case, this Court is of the view that the petitioner has failed to make out a prima facie case for grant of suspension of sentence. The petitioner has been convicted for having committed a very serious offence against the victim. Therefore, this Court is not inclined to grant suspension of sentence imposed by the Trial Court.

6. Accordingly, this Criminal Miscellaneous Petition stands dismissed.

24.06.2025

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

Lpp



WEB COPY



*Crl.M.P.No.11928 of 2025
in Crl.RC.No.2303 of 2025*

G.K.ILANTHIRAIYAN, J.
Lpp

To

1. The II Additional District Judge,
Salem.

2. The Assistant Sessions Judge,
Sankari.

3. The Inspector of Police,
Poolampatti P.S.
Salem District.

3. The Public Prosecutor,
High Court, Madras.

Crl.M.P.No.11928 of 2025
in
Crl.RC.No. 2303 of 2025

24.06.2025