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*Crl.M.P.No.13452 of 2025
in Crl.R.C.No. 1021 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2025

CORAM:

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

Crl.M.P.No.13452 of 2025
in
Crl.R.C.No. 1021 of 2025

Karthikkumar @ Karthik

.... Petitioner

Vs

State by,
The Inspector of Police,
South Police Station,
Tiruppur.
(Crime No. 895/2023)

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed against the petitioner in trial in C.C.No.754 of 2023 on 06.01.2024 by the Judicial Magistrate Court No.2, Tiruppur, and the conviction and sentence was confirmed in C.A.No.92 of 2024 on 29.01.2025 by the Special Court for Trial of Cases under SC/ST (PoA) Act, Tiruppur, and enlarge the petitioner on bail pending disposal of the Criminal Revision.



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For Petitioner : Mr.P.Pugalenth

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 by the learned Special Court for Trial of Cases under SC/ST (PoA) Act, Tiruppur, in C.A.No.92 of 2024 dated 29.01.2025, by confirming the judgment and sentence passed in C.C.No.754 of 2023 dated 06.01.2024, by the learned Judicial Magistrate Court No.2, Tiruppur, and enlarge the petitioner on bail pending disposal of the above revision petition.

2. The petitioner herein is the accused in C.C.No.754 of 2023 on the file of the learned Judicial Magistrate Court No.2, Tiruppur. He was found guilty of the offence under Section 379 of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 379 IPC	to undergo rigorous imprisonment for a period of three years



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Aggrieved by the same, the petitioner had filed an appeal in C.A.No.92 of 2024 and the learned Special Court for Trial of Cases under SC/ST (PoA) Act, Tiruppur, by order dated 29.01.2025, had dismissed the appeal and confirmed the conviction and sentence, against which the present revision has been filed.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Revision Case and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case 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 petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond



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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. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on his executing a 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.2, Tiruppur.



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(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 on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision petition 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 355 of BNSS, 2023 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.

7. With the above directions, these Criminal Miscellaneous Petition is ordered.

09.07.2025
($\frac{1}{2}$)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.
Lpp

To

- 1.The Special Court for Trial of Cases under SC/ST (PoA) Act, Tiruppur.
- 2.The Judicial Magistrate Court No.2, Tiruppur.
- 3.The Superintendent,
Central Prison,
Coimbatore.
- 4.The Inspector of Police,
South Police Station,
Tiruppur.
- 5.The Public Prosecutor,
Madras High Court,
Chennai.

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