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*Crl.M.P.No.11083 of 2025
in Crl.RC.No.769 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.06.2025

CORAM:

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

Crl.M.P.No.11083 of 2025
in
Crl.R.C..No.769 of 2025

Suresh
S/o. Perumal
4-391, Periyapatti Road,
Namakkal District.

...Petitioner

Vs.

The State by its
The Inspector of Police,
Namagiripettai Police Station,
Namakkal District.
(Crime No. 550 of 2014)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438 and 442 BNSS 2023 to suspend the sentence imposed on the petitioner to undergo simple imprisonment for two years for offence u/s. 304A (2 counts) IPC passed by the Principal Session Judge, Namakkal on 10.02.2025 in C.A.No.61 of 2023 confirming the conviction and sentence imposed by the Judicial Magistrate Rasipuram, Namakkal District in C.C.No.58 of 2015 by judgment dated 02.03.2023 pending disposal of the Criminal Revision case before this Court.



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For Petitioner : Mr.B.Vasudevan

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the learned Judicial Magistrate, Rasipuram, Namakkal District in C.C.No.58 of 2015 by a judgment dated 02.03.2023 and confirmed by the Principal Sessions Judge, Namakkal on 10.02.2025 in C.A.No.61 of 2023, and enlarge the petitioner on bail pending disposal of the above revision.

2. The petitioner herein is the accused in C.C.No.58 of 2015 on the file of the learned Judicial Magistrate, Rasipuram, Namakkal. He was found guilty of the offences under Section 304 A (2 counts) of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 279 IPC	To pay fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of one week.
2	Section 304A (2 counts) IPC	To undergo simple imprisonment for a period of two years.



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The petitioner had preferred an appeal in C.A.No.6 of 2023 before the Principal Sessions Judge, Namakkal 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 petitioners/accused would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal 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 reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.



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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 appeal 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 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



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Magistrate, Rasipuram, Namakkal District.

(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 Criminal Appeal 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.

16.06.2025

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

To

1. The Judicial Magistrate, Rasipuram
2. The Principal Sessions Judge, Namakkal
3. The Inspector of Police,
Namagiripettai Police Station,
Namakkal District.
4. The Public Prosecutor,
Madras High Court,
Chennai.
5. The Superintendent,
Central Prison,
Salem.

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