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Crl.M.P.No.16516 of 2025 in
Crl.R.C.No.1607 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

**Crl.M.P.No.16516 of 2025
in Crl.RC.No.1607 of 2025**

Ashok @ Ashokan

.... Petitioner

Vs

The Inspector of Police,
Mecheri Police Station,
Salem – 636 453
(Crime No.37/2014)

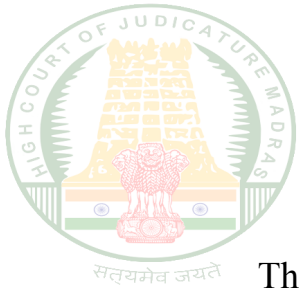
.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438 and 442 of BNSS, to suspend the execution of sentence passed by the Learned Judicial Magistrate No.II of Mettur in C.C.No.43 of 2022 dated 26.12.2022 which was confirmed by the Learned Additional District Judge (Fast Track Court), Mettur in C.A.No.16 of 2023 dated 26.02.2025.

For Petitioner : Mr.K.Thilageswaran

For Respondent : Dr.C.E.Pratab
Government Advocate (Criminal Side)

ORDER



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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking to suspend the sentence passed by the learned Judicial Magistrate No.II of Mettur in C.C.No.43 of 2022 dated 26.12.2022, confirmed by the learned Additional District Judge (Fast Track Court), Mettur in Crl.A.No.16 of 2023 dated 26.02.2025.

2.The petitioner herein is the accused in C.C.No.43 of 2022 on the file of the Judicial Magistrate No.II, Mettur . He was found guilty of the offence under Section 25 (1-B) (a) of the Arms Act, 1959 and Section 9B (1) (b) of Explosives Act, 1884 and he has been convicted and sentenced to undergo simple imprisonment for a period of two years and awarded to pay the compensation of Rs.1,000/-, in default of payment of compensation, the petitioner shall undergo a simple imprisonment for a period of six months as default sentence and also sentenced to undergo simple imprisonment for a period of one year. Aggrieved by the same, the petitioner had filed an appeal in Crl.A.No.16 of 2023 and the learned Additional District (Fast Track Court), Mettur, by order dated 26.02.2025, had dismissed the above appeal, confirming the judgment and sentence imposed by the trial Court. Aggrieved by the same, the present revision has been filed.

3.The learned counsel for the petitioner/accused submitted that there are arguable points available in the Criminal Revision Case and the



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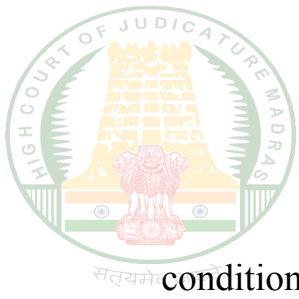
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petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case. He further submitted that the petitioner has paid the fine amount of Rs.1,000 and he has no previous case, no individual witness was examined and has been falsely implicated in this case. Hence, the substantive sentence imposed against the petitioner/accused may be suspended. He submitted that the petitioner is ready to abide any condition to be imposed by this Court.

4.Learned Government Advocate (Criminal side) raised his objection for suspending the sentence of conviction and submitted that the respondent police conducted search and seized the materials from the petitioner viz., country gun, air blower machine, iron ball pellets (50 numbers), 10 grams of gun power.

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

6.Considering the submissions of the learned counsel for the petitioner, coupled with the quantum of punishment imposed upon the petitioner and taking into consideration the fact that 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



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

(i) On the petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(iii) 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, this Criminal Miscellaneous Petition is ordered.

02.09.2025

Index : Yes/No
Neutral citation : Yes/No



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Speaking/non-speaking order

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T.V.THAMILSELVI, J.

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To

- 1.The Judicial Magistrate No.II, Mettur.
- 2.The Additional District Judge, Fast Track Court, Mettur.

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