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*Crl.M.P.No.11409 of 2025
in Crl.R.C.No. 821 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2025

CORAM:

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

Crl.M.P.No.11409 of 2025
in
Crl.R.C.No. 821 of 2025

Palanivel

.... Petitioner

Vs

State rep. By
The Inspector of Police,
District Crime Branch,
Nagapattinam District
(Crime No.7 of 2002)

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence made in Criminal Appeal No.2 of 2015 dated 11.12.2024 on the file of the Sessions Judge, Nagapattinam in confirming the Judgment made in C.C.No.47 of 2012 dated 05.02.2015 on the file of the Judicial Magistrate No.I, Nagapattinam and enlarge the petitioner on bail pending disposal of revision petition.

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



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Nagapattinam, in Crl.A.No.2 of 2015 dated 11.12.2024, confirming the judgment and sentence passed in C.C.No.47 of 2012 dated 05.02.2015, by the learned Judicial Magistrate No.I, Nagapattinam and enlarge the petitioner on bail pending disposal of the above revision petition.

2. The petitioner herein is the accused in C.C.No.47 of 2012 on the file of the learned Judicial Magistrate No.I, Nagapattinam. He was found guilty of the offence under Section 408, 420, 468, 471 & 477(A) of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	408 of IPC	To undergo simple imprisonment for a period of one year and to pay a fine of Rs.250/- in default, to undergo simple imprisonment for a period of one month.
2	420 of IPC	to undergo simple imprisonment for a period of one year and to pay a fine of Rs.250/- in default to undergo simple imprisonment for a period of one month



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S.No.	Conviction	Sentence
3	468 of IPC	to undergo simple imprisonment for a period of one year and to pay a fine of Rs.250/- in default to undergo simple imprisonment for a period of one month
4	471 of IPC	to undergo simple imprisonment for a period of one year and to pay a fine of Rs.250/- in default to undergo simple imprisonment for a period of one month
5	477(A) of IPC	to undergo simple imprisonment for a period of one year.

Aggrieved by the same, the petitioner had filed appeal in Crl.A.No.2 of 2015 and the learned Sessions Judge, Nagapattinam, by order dated 11.12.2024, confirmed the conviction 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 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.



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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.

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.



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Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence and bail is 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 No.I, Nagapattinam.

(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.



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7. With the above directions, this Criminal Miscellaneous Petition

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is ordered.

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

Lpp

To

1. The Sessions Judge,
Nagapattinam.
2. The Judicial Magistrate No.I,
Nagapattinam.
3. The Inspector of Police,
District Crime Branch,
Nagapattinam District.
4. The Central Prison
Cuddalore.
5. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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