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*Crl.M.P.No.10683 of 2025
in Crl.A.No.593 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2025

CORAM:

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

Crl.M.P.No.10683 of 2025

in

Crl.A.No.593 of 2025

Prakash

..... Petitioner

Vs

The State by its,
The Inspector of Police,
P-6, Kodungayur Police Station,
Kodungayur, Chennai.
(Crime No. 1123/2006)

..... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) r/w 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed upon the petitioner/Appellant by the XIX Additional City Civil Court, Chennai, in SC.No.332/2016 by judgement dated 25.04.2025 pending disposal of the appeal.

For Petitioner : Mr.K.G.Senthilkumar

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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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 XIX Additional Judge, City Civil Court, Chennai, in S.C.No.332 of 2016 dated 25.04.2025, pending disposal of the appeal.

2. The petitioner, who is an accused in S.C.No.332 of 2016, was convicted and sentenced by the XIX Additional Judge, City Civil Court, Chennai, vide judgment dated 25.04.2025, as follows:

Rank of the accused	Conviction under Section	Sentence awarded
Sole accused	333 of IPC	to undergo simple imprisonment for a period of three years and to pay fine of Rs.1,000/- in default, to undergo simple imprisonment for six months.

Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the



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petitioner/accused have 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 any condition to be imposed by this Court.

4. Per contra, the learned Additional Public Prosecutor 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 submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor, coupled with the quantum of punishment imposed upon the petitioner and taking into



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consideration the fact that 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 Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended and bail are granted on the following conditions:

(a) The petitioner/accused are 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 XIX Additional Judge, City Civil Court, Chennai.

(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 there are not able to appear before the trial Court on any day, they shall



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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.

11.06.2025
(2/3)

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

Lpp

To

1. XIX Additional Judge,
City Civil Court, Chennai.

2. The Inspector of Police,
P-6, Kodungayur Police Station,
Kodungayur, Chennai.

3. The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.
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