



WEB COPY



Crl.MP.No.12002 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

CORAM:

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

Crl.M.P.No.12002 of 2025

in

Crl.A.No.697 of 2025

N.Alexander

...Petitioner

Vs.

State Rep by
The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai 600 010
(Crime No.144 of 2021)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, 2023, praying to suspend the sentence of the petitioner/appellant/sole accused in SC.No.452 of 2023 judgment dated 11.03.2025, passed by the learned XVII Additional Sessions Court, City Civil Court, Chennai and he may be enlarged on bail, pending disposal of the above said Crl.Appeal.



WEB COPY



Crl.MP.No.12002 of 2025

For Petitioner : Mr.S.Vijayaraghavan

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking to suspend the sentence of the petitioner/appellant/sole accused in SC.No.452 of 2023 judgment dated 11.03.2025, passed by the learned XVII Additional Sessions Court, City Civil Court, Chennai and to enlarged him on bail, pending disposal of the above said Crl.Appeal.

2. The petitioner herein is the accused in SC.No.452 of 2023 on the file of the learned XVII Additional Sessions Court, City Civil Court, Chennai. He was found guilty of the offences under Sections 3 of Tamil Nadu Medicare Service Person & Medicare Service Institutions (Prevention of Violence & Damage or Loss to the Property) Act, 2008 and 337 of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Sections 3 of Tamil Nadu Medicare	to undergo rigorous imprisonment for a period of three years and to pay a fine of

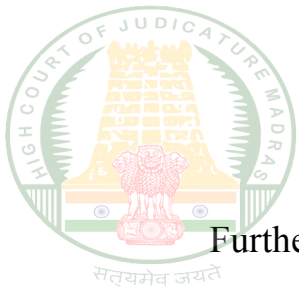


S.No.	Conviction	Sentence
	Service Person & Medicare Service Institutions (Prevention of Violence & Damage or Loss to the Property) Act, 2008	Rs.10,000/-, in default to undergo simple imprisonment for four weeks.
2	Section 337 of IPC	to pay fine of Rs.500/-, in default to undergo simple imprisonment for two weeks.

Aggrieved by the same, the petitioner has filed the 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 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 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 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 Additional Public Prosecutor 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 Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge is



alone suspended and bail are granted on the following conditions:

WEB COPY

(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 XVII Additional Sessions Judge, City Civil Court at 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 daily at 10.30 a.m. for 30 days and thereafter 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 any 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.

WEB COPY



Crl.MP.No.12002 of 2025

25.06.2025
(2/2)

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



Crl.MP.No.12002 of 2025

WEB COPY

To

- 1.The learned XVII Additional Sessions Court, City Civil Court, Chennai
- 2.The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai 600 010
- 3.Central Prison,
Puzhal,
Prison-I,
Chennai
- 4.The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



Crl.MP.No.12002 of 2025

G.K.ILANTHIRAIYAN, J.

lok

Crl.M.P.No.12002 of 2025
in
Crl.A.No.697 of 2025

25.06.2025
(2/2)