



WEB COPY



Crl.MP.No.12352 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2025

CORAM:

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

Crl.M.P.No.12352 of 2025

in

Crl.RC.No.697 of 2025

Vellamalayan

...Petitioner

Vs.

The State Rep. By its,
Inspector of Police,
Yercaud Police Station,
Salem District

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, praying to suspend the sentence of punishment passed by the learned District Munsif cum Judicial Magistrate, Yercaud in CC.No.17 of 2022 dated 29.08.2022 against the petitioners/accused 1 and 2 and the same was confirmed in criminal appeal in Crl.A.No.79 of 2002 dated 01.03.2025 on the file of the learned III Additional District Judge, Salem and enlarge the petitioners on bail till the disposal of the above main criminal revision petition.



WEB COPY



Crl.MP.No.12352 of 2025

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.A.Gopinath,
Government Advocate(crl.side)

ORDER

This Criminal Miscellaneous Petition has been filed praying to suspend the sentence of punishment passed by the learned District Munsif cum Judicial Magistrate, Yercaud in CC.No.17 of 2022 dated 29.08.2022 against the petitioner, which was confirmed in criminal appeal in Crl.A.No.79 of 2002 dated 01.03.2025 on the file of the learned III Additional District Judge, Salem and to enlarge the petitioner on bail till the disposal of the main criminal revision petition.

2. The petitioner herein is an accused in CC.No.17 of 2022 on the file of the learned District Munsif cum Judicial Magistrate, Yercaud. He was found guilty of the offences under Sections 294(b) & 324 of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 294(b) of IPC	to undergo simple imprisonment for a period of six months



S.No.	Conviction	Sentence
2	Section 324 of IPC	to undergo simple imprisonment for a period of two years.

Aggrieved by the same, the petitioner preferred appeal before the learned III Additional District Judge, Salem in Crl.A.No.79 of 2002, wherein the judgment of the trial court was confirmed, against which the aforesaid criminal revision has been filed.

3. The learned counsel for the petitioner/A1 would submit that there are arguable points available in the Criminal Revision and the petitioner/A1 has got a fair chance of succeeding in the Criminal Revision and hence, the substantive sentence imposed against the petitioner/A1 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(crl.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.

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 are granted on the following conditions:

(a) The petitioner/A1 is ordered to be released on bail, on his execution of 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 District Munsif cum Judicial Magistrate, Yercaud.



WEB COPY



Crl.MP.No.12352 of 2025

(b) The petitioner/A1 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 report before the Trial Court on the first working day of every week at 10.30 a.m., until the disposal of the Criminal Revision 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.

(d) Insofar as the second accused, the respondent is directed to immediately secure her in order to make her to comply with the order of conviction and sentence imposed by the trial court.

8. With the above directions, this Criminal Miscellaneous Petition is ordered.

27.06.2025

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



WEB COPY



Crl.MP.No.12352 of 2025

G.K.ILANTHIRAIYAN, J.

lok

To

- 1.The learned District Munsif cum Judicial Magistrate, Yercaud
- 2.The learned III Additional District Judge, Salem
- 3.Inspector of Police,
Yercaud Police Station,
Salem District
- 4.Central Prison,
Salem
5. The Public Prosecutor,
Madras High Court

Crl.M.P.No.12352 of 2025
in
Crl.RC.No.697 of 2025

27.06.2025