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*Crl.M.P.No.13474 of 2025
in Crl.R.C.No. 1025 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2025

CORAM:

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

Crl.M.P.No.13474 of 2025
in
Crl.R.C.No. 1025 of 2025

Magudeswaran

.... Petitioner

Vs

State By,
The Inspector of Police,
Hasthampatty Police Station,
Salem.
Crime No. 75/2014

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed by the I Additional District and Sessions Judge, Salem in C.A.No.58 of 2023 dated 17.04.2024 and confirming the order of learned II Additional Assistant Sessions Judge, Salem in S.C.No.281 of 2015 dated 28.03.2023 and released the petitioner on bail pending disposal of the above Criminal appeal.



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For Petitioner : Mr.S.Sengkodi

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned I Additional District and Sessions Judge, Salem, in C.A.No.58 of 2023 dated 17.04.2024, by confirming the judgment and sentence passed in S.C.No.281 of 2015 dated 28.03.2023, by the learned II Additional Assistant Sessions Judge, Salem and enlarge the petitioner on bail pending disposal of the above revision petition.

2. The petitioner herein is the accused in S.C.No.281 of 2015 on the file of the learned II Additional Assistant Sessions Judge, Salem. He was found guilty of the offence under Section 307 read with 114 IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 307 r/w 114 IPC	to undergo rigorous imprisonment for a period of five years and to pay fine of Rs.3,000/- in default of which to undergo further period of six months S.I.



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Aggrieved by the same, the petitioner had filed an appeal in C.A.No.58 of 2023 and the learned I Additional District and Sessions Judge, Salem, by order dated 17.04.2024, had dismissed the appeal and confirmed the conviction and sentence, against which 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 any condition to be imposed by this Court.

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.



*Crl.M.P.No.13474 of 2025
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WEB COPY

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. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence and bail are 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 II Additional Assistant Sessions Judge, Salem.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety



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WEB COPY

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.

7. With the above directions, these Criminal Miscellaneous Petition is ordered.

09.07.2025
(2/2)

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

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*Crl.M.P.No.13474 of 2025
in Crl.R.C.No. 1025 of 2025*

WEB COPY

To

- 1.The I Additional District and Sessions Judge, Salem.
- 2.The II Additional Assistant Sessions Judge, Salem.
- 3.The Superintendent,
Central Prison,
Salem.
- 4.The Inspector of Police,
Hasthampatty Police Station,
Salem.
- 5.The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

Lpp

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