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*Crl.M.P.No.14041 of 2025
in Crl.R.C.No.1115 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2025

CORAM:

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

Crl.M.P.No.14041 of 2025
in
Crl.R.C.No. 1115 of 2025

1. Sam
2. Ajith
3. Aneesh

..... Petitioners

Vs

The State of Tamil Nadu,
represented by Inspector of Police,
PEW Unit, Coimbatore City
in Crime No.07/2011

..... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 438(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence order passed by the learned III Judicial Magistrate, Coimbatore, in C.C.No.170 of 2012 dated 16.12.2022 and which was confirmed by the learned I Additional District and Sessions Court, Coimbatore, in C.A.No.74 of 2023, dated 20.11.2024 and enlarge the petitioners on bail pending disposal of the above criminal revision petition.



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For Petitioner : Mr.R.Rajan

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the learned I Additional District and Sessions Judge, Coimbatore, in C.A.No.74 of 2023 dated 20.11.2024 by confirming the judgment and sentence passed in C.C.No.170 of 2012 dated 16.12.2022, by the learned III Judicial Magistrate, Coimbatore and enlarge the petitioners on bail pending disposal of the above revision petition.

2. The petitioners herein are the accused in C.C.No.170 of 2012 on the file of the learned III Judicial Magistrate, Coimbatore. They were found guilty of the offences under Sections 4(1)(aaa), 4(1-A) and Section 5 of the Tamil Nadu Prohibition Act, 1937, Rule 7 of Tamil Nadu Rectified Spirit Rules 2000 read with 11 of TNP Act, Sections 468 and 471 of IPC and Section 2(1) (B)(a) r/w 3 of Arms Act 1959 and they have been convicted and sentenced as under:



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S.No.	Conviction	Sentence
1	Section 4(1)(aaa) of TNP Act	to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.10,000/- each.
2	Section 4(1-A) of TNP Act	To pay a fine of Rs.1,000/- each
3.	Section 5 of TNP Act	To under go rigorous imprisonment for a period of three years and to pay a fine of Rs.10,000/- each.
4.	Rule 7 of Tamil Nadu Rectified Spirit Rules 2000 read with 11 of TNP Act	To pay a fine of Rs.500/-
5.	Section 468 of IPC	To undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.10,000/- each
6.	Section 471 of IPC	To undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.10,000/- each
7.	Section 25(1)(B)(a) r/w 3 of Arms Act, 1959	To undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- each

Aggrieved by the same, the petitioner had filed appeal in C.A.No.74 of 2023 and the learned I Additional District and Sessions Court, Coimbatore, by order dated 20.11.2024, had dismissed the appeal and confirmed the conviction and sentence, against which the present revision has been filed.



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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 by 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 these petitions. 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.



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WEB COPY

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 III Judicial Magistrate, Coimbatore.

(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.



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WEB COPY

(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, this Criminal Miscellaneous Petition is ordered.

23.07.2025
(2/2)

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

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To

1. The I Additional District and Sessions Court,
Coimbatore.
- 2.The III Judicial Magistrate, Coimbatore
3. The Inspector of Police,
PEW Unit, Coimbatore City
4. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.
Lpp

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(2/2)