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Crl.M.P No.14048 of 2025 in
Crl.R.C.No.1117 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM:

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

Crl.M.P.No.14048 of 2025
in
Crl.R.C.No. 1117 of 2025

Vijay
S/o. Selvam,
Velarampatti Village,
Jagadap (Post)
Krishnagiri Taluk & District.

....

Petitioner

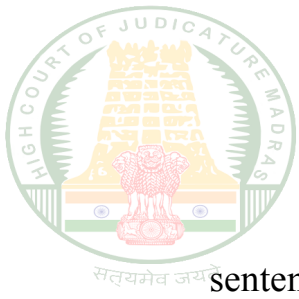
Vs

State represented by
Inspector of Police,
Kaveripattinam Police Station,
Kaveripattinam,
Krishnagiri District.
Cr. No. 481 / 2018.

....

Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the petitioner by the learned Additional Sessions Judge, Krishnagiri in C.A.No.22 of 2023 dated 08.01.2025 partly allowing the appeal and modifying the conviction and sentence passed by the learned Judicial Magistrate No.1, Krishnagiri in respect of the offence under Section 326 IPC to 324 IPC and sentence of three years rigorous imprisonment to



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sentence two years rigorous imprisonment and no fine in C.C.No.150 of 2018 on the file of the Judicial Magistrate No.1 Krishnagiri dated 04.08.2023 and enlarge him on bail pending disposal of the above Criminal Revision Petition.

For Petitioner : Mr.K.Selvarangan
For Respondent : Mr.A.Gopinath
Govt. Advocate (Crl.side)

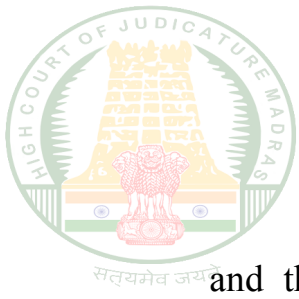
ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend the sentence imposed on the petitioner by the learned Additional Sessions Judge, Krishnagiri in C.A.No.22 of 2023 dated 08.01.2025 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.

2. The petitioner herein is the accused in C.C.No.150/2018 on the file of the Judicial Magistrate No.I, Krishnagiri. He was found guilty and has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 326 IPC	To undergo three years rigorous imprisonment and to pay fine of Rs.10,000/-, in default to undergo one month simple imprisonment

Aggrieved by the same, the petitioner had filed appeal in C.A.No.22 of 2023



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and the learned Additional Sessions Judge, Krishnagiri, by order dated 08.01.2025, had partly allowed the appeal and convicted and sentenced the accused as under:

S.No.	Conviction	Sentence
1	Section 324 of IPC	To undergo two years rigorous imprisonment.

Aggrieved by the same, the present criminal appeal along with a petition to suspend the sentence 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 the condition imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this



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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. 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



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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 Judicial Magistrate No.I, Krishnagiri.

(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 at 10.30 a.m. daily for a period of fifteen days and thereafter 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.



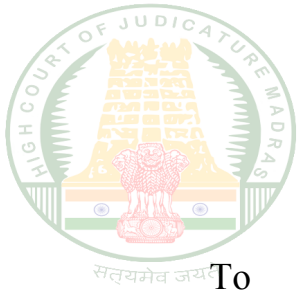
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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To
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1. The Judicial Magistrate No.I, Krishnagiri.
2. The Additional Sessions Judge, Krishnagiri.
3. The Public Prosecutor,
Madras High Court.
4. The Superintendent,
Central Prison,
Salem.



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G.K.ILANTHIRAIYAN, J.

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