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*Crl.M.P.No.13318 of 2025
in Crl.R.C.No.733 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2025

CORAM:

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

Crl.M.P.No.13318 of 2025

in

Crl.RC.No.733 of 2025

Prakash

...Petitioner

Vs.

The State by its
The Inspector of Police,
Central Crime Branch,
EDF-II, Teach-IV,
Veparry, Chennai – 600 007.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of BNS, 2023 to suspend the sentence imposed upon the petitioner/appellant by the learned Metropolitan Magistrate, CCB & CBCID Metro Cases, Egmore, Chennai, in C.C.No.6095 of 2016 by the judgment dated 27.06.2024 and enlarge the petitioner on bail pending Revision Case.

For Petitioner : Mr.B.A.Chandrasekar

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



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Metropolitan Magistrate, CCB & CBCID Metro Cases, Egmore, Chennai , in C.C.No.6095 of 2016 dated 27.06.2024, and enlarge the petitioner on bail pending disposal of the above revision case.

2. The petitioner herein is the accused in C.C.No.6095 of 2016 on the file of the learned Metropolitan Magistrate, CCB & CBCID Metro Cases, Egmore, Chennai. He was found guilty of the offences under Section 408, 420, 467, 468 r/w 471 of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 408 of I.P.C.	To undergo 3 years simple imprisonment and to pay fine of Rs.2000/- in default to undergo 3 months simple imprisonment.
2	Section 420 I.P.C.	to undergo 3 years simple imprisonment and to pay fine of Rs.2000/- and in default to undergo 3 months simple imprisonment.
3.	Section 467 I.P.C.	To undergo 3 years simple imprisonment and to pay fine of Rs.2000/- in default to undergo 3 months simple imprisonment



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S.No.	Conviction	Sentence
4.	Section 468 r/w 471 I.P.C.	To undergo 3 years simple imprisonment and to pay fine of Rs.2000/- in default to undergo 3 months simple imprisonment
5.	Section 248 (ii) of Cr.P.C.	Sentence imposed to the accused is ordered to be run concurrently.

Aggrieved by the same, the petitioner has filed this revision case 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 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 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



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necessary in the findings arrived at by the trial Court.

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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 case 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 Case, 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/accused is ordered to be released on



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bail, on his executing a separate 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 Metropolitan Magistrate, CCB & CBCID Metro Cases, Egmore, 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 on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Revision Case 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.

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Index : Yes/No

Neutral citation : Yes/No

Speaking/non-speaking order



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G.K.ILANTHIRAIYAN, J.

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To

1. The Central Prison,
Puzhal.
2. The Inspector of Police,
Central Crime Branch,
EDF-II, Teach-IV,
Veparry, Chennai – 600 007.
3. The Public Prosecutor,
Madras High Court,
Chennai.
4. The Metropolitan Magistrate,
CCB & CBCID Metro Cases, Egmore, Chennai,

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