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*Crl.M.P.No.14792 of 2025
in Crl.RC.No.1274 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2025

CORAM:

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

Crl.M.P.No.14792 of 2025

in

Crl.RC.No.1274 of 2025

Chakaravarthi
S/o. Madhaiyan,
Neruppukuttai Village,
Irudalam Post,
Denkanikottai Taluk,
Krishnagiri District.

...Petitioner

Vs.

The State rep. by
The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
(Crime No.21 / 2018)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Cr.P.C. to suspend the sentence of imprisonment imposed in the judgment dated 23.01.2025 made in Crl.A.No.15 of 2021 on the file of the Principal Sessions Court, Krishnagiri confirming the conviction imposed in judgment dated 09.03.2021 made in S.C.No.105 of 2019 on the file of the Assistant Sessions and Chief Judicial Magistrate Court at Krishnagiri and enlarge the



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petitioner on bail pending disposal of the above criminal revision.

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For Petitioner : Mr.R.Thirumoorthy

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend the sentence of imprisonment imposed in the judgment dated 23.01.2025 made in Crl.A.No.15 of 2021 on the file of the Principal Sessions Court, Krishnagiri confirming the conviction imposed in judgment dated 09.03.2021 made in S.C.No.105 of 2019 on the file of the Assistant Sessions and Chief Judicial Magistrate Court at Krishnagiri and enlarge the petitioner on bail pending disposal of the above criminal revision.

2. The petitioner herein is the accused in S.C.No.105 of 2019 on the file of the Assistant Sessions and Chief Judicial Magistrate Court at Krishnagiri. He was found guilty of the offences and convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 307 IPC	To undergo rigorous imprisonment for 3 years



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S.No.	Conviction	Sentence
		with fine of Rs.10,000/-, in default to pay the fine, to undergo simple imprisonment for six months.

Aggrieved by the same, the petitioner has filed a Criminal Appeal in Crl.A.No.15/2021 and the learned Principal Sessions Judge, Krishnagiri, vide judgment dated 23.01.2025 confirmed the order of conviction passed by the trial Judge. Aggrieved by the same, the present revision has been filed along with the miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Revision and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision 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 appearing for the respondent/State raised serious objection for allowing this petition. Further,



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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 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 is granted on the following conditions:



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(a) The petitioner/accused is ordered to be released on 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 Assistant Sessions and Chief Judicial Magistrate Court at 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 daily at 10.30 a.m. for a period of 30 days and thereafter on the first working day of every English Calendar month 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 the said 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
Internet : Yes
Speaking/non-speaking order
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To

1. The Assistant Sessions and Chief Judicial Magistrate Court at Krishnagiri.
2. The Principal Sessions Court, Krishnagiri
3. The The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
4. The Public Prosecutor,
Madras High Court,
Chennai.
5. The Superintendent,
Central Prison,
Salem.



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G.K.ILANTHIRAIYAN, J.

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