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CRL MP No. 14960 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-08-2025

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THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL MP No. 14960 of 2025

in

CRL RC NO. 1303 OF 2025

Gunasekaran

S/o.Mariyappan, No.147, Naduthuru,
Chozhasiramani Post, Paramati Velur
Taluk, Namakkal District.

Petitioner(s)

Vs

State Rep by The Inspector of Police,
JEDARPALAYAM Police Station,
Namakkal District. Crime No.171/2022

Respondent(s)

Prayer:

Petition filed under Section 438(1) of the Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023, pleaded to suspend the sentence made under the Judgement dated 24.09.2024 in Crl.A.No.73 of 2024, on the file of the Special Court for Trial of cases registered under SC/ST (POA) Act, Namakkal, confirming the conviction and sentence made in the Judgement dated 01.12.2023 made in C.C.No.11 of 2023, on the file Judicial Magistrate Court, Paramathy, Namakkal pending disposal of the above Criminal Revision Petition.

For Petitioner(s): Mr. J. Jayan

For Respondent(s): Mr. A. Gopinath,
Government Advocate (Crl.side)

**ORDER**

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed in Crl.A.No.73 of 2024 on the file of the Special Court for Trial of cases registered under SC/ST (POA) Act, Namakkal, by the Judgment dated 24.09.2024, which was confirmed the the conviction and sentence made in the Judgement dated 01.12.2023 made in C.C.No.11 of 2023, on the file Judicial Magistrate Court, Paramathy, Namakkal, and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in Crl.A.No.73 of 2024 on the file of the Special Court for Trial of cases registered under SC/ST (POA) Act, Namakkal. He was found guilty of the offence under Sections 279, 304(A) of IPC, and he has been convicted and sentenced to undergo simple imprisonment for a period of three months and imposed fine amount of Rs.1,000/-, in default of payment of fine amount, the petitioner shall undergo a simple imprisonment for a period of two weeks as default sentence, for the offence under Section 279



of IPC, while for the offence under Section 304(A) of IPC, he has been convicted and sentenced to undergo simple imprisonment for a period of one year and both the sentence shall run concurrently. Aggrieved by the same, the petitioner has filed the above revision in CrI.RC.No.1303 of 2025 along with the present suspension of sentence 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. 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. Heard the learned counsel appearing for both sides and also perused the materials placed on record.



5. Considering the above facts and circumstances and also

considering the period of incarceration undergone by the petitioner, this Court is

inclined to grant bail to the petitioner. Accordingly, the Criminal Miscellaneous

Petition stands ordered. The petitioner is ordered to be released on bail on his

execution of a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)**

with two sureties, each for a like sum to the satisfaction of the learned Judicial

Magistrate Court, Paramathy, Namakkal, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the trial Court once in a month i.e., on the first working day of every English Calendar month at 10:30 A.M., until the disposal of the revision.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate



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action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner was released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Miscellaneous Petition is ordered.

08-08-2025
(2/2)

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To

- 1.The Special Court for trial of cases registered under SC/ST (POA) Act, Namakkal.
- 2.The Judicial Magistrate, Paramathy, Namakkal.
- 3.The Superintendent of Police, Central Prison, Salem.



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G.K.ILANTHIRAIYAN J.

klr

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