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*Crl.M.P.No.15400 of 2025
in Crl.RC.No.1389 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.08.2025

CORAM:

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

Crl.M.P.No.15400 of 2025

in

Crl.RC.No.1389 of 2025

1. Mani @ Manikandan
2. Kumar

...Petitioners

Vs.

State represented by the
Sub- Inspector of Police,
B-1 Bazaar Police Station,
Coimbatore.

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 438 of BNSS to suspend the substantive sentences imposed on the petitioners by the learned Judicial Magistrate No.V, Coimbatore dated 24.07.2003 in C.C.No.26 of 2016 of SI for one month for the offence under Section 294(b) IPC, SI for three months for the offence under Section 323 IPC and SI for three months for the offence under Section 506(i) IPC and confirmed by the learned I Additional District and Sessions Judge, Coimbatore by dismissing their appeal in Crl.Appeal No.241 of 2023 by an order dated 08.01.2025 pending the above revision and release the petitioners on bail.



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For Petitioner : Mr.H.Rajasekar

For Respondent : Mr. A.Gopinath
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners to suspend the substantive sentences imposed on the petitioners by the learned Judicial Magistrate No.V, Coimbatore in C.C.No.26 of 2016 dated 24.07.2003 and confirmed by the learned I Additional District and Sessions Judge, Coimbatore by dismissing their appeal in Crl.Appeal No.241 of 2023 by an order dated 08.01.2025, pending the above revision and release the petitioners on bail.

2. The petitioners herein are the accused in C.C.No.26 of 2016 on the file of the learned Judicial Magistrate No.V, Coimbatore. They were found guilty of the offences and convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 294(b)	Each to undergo simple imprisonment for one month and to pay fine of Rs.1000/-, in default to undergo simple imprisonment for one week.



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S.No.	Conviction	Sentence
2	Section 323 IPC	Each to undergo three months simple imprisonment and to pay fine of Rs.1000/-, in default to undergo one week simple imprisonment
3	Section 506(ii) IPC	Each to undergo three months simple imprisonment and to pay fine of Rs.1000/-, in default to undergo one week simple imprisonment.

Aggrieved by the same, a Criminal Appeal in C.A.No.241/2023 has been preferred and the learned I Additional District and Sessions Judge, Coimbatore vide judgment dated 08.01.2025 confirmed the judgment of the trial Court. Aggrieved by the same, a Criminal Revision along with the present miscellaneous petition has been filed.

3. The learned counsel for the petitioners/accused would submit that there are arguable points available in the Criminal Revision and the petitioners/accused have got a fair chance of succeeding in the Criminal Revision and hence, the substantive sentence imposed against the petitioners/accused may be suspended. He would submit that the petitioners are ready to abide the condition imposed by this Court.



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4. Per contra, the learned Government Advocate 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 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 petitioners, also by considering the submissions of the learned counsel for the petitioners 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.



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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:

(a) The petitioners/accused are 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 Judicial Magistrate No.V, Coimbatore.

(b) The petitioners/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 petitioners 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 they are not able to appear before the trial Court on the said day, they 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 their absence, as directed by the trial Court.

8. With the above directions, this Criminal Miscellaneous Petition



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is ordered.

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



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To

1. The Judicial Magistrate No.V, Coimbatore
2. The Sub- Inspector of Police,
B-1 Bazaar Police Station,
Coimbatore.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.
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