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Crl.M.P.No.14985 of 2025 in Crl.R.C.No.1309 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2025

CORAM:

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

Crl.M.P.No.14985 of 2025

in

Crl.R.C.No.1309 of 2025

K.Senthil

... Petitioner

Vs.

The State by
The Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.
Crime No.22 of 2017.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence of imprisonment imposed in the judgment in C.A.No.41 of 2024 dated 30.04.2025 on the file of the learned Additional District Sessions Judge, Kallakurichi, modified by the learned Judicial Magistrate No.1, Kallakurichi, dated 12.04.2024 in C.C.No.78 of 2017 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition before this Court.

For Petitioner : Mr.P.Rajavel

For Respondent : Mr.A.Gopinath



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Government Advocate (Crl. Side)



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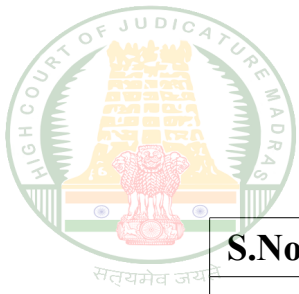
ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Additional District Sessions Judge, Kallakurichi, by an order dated 30.04.2025 in C.A.No.41 of 2024, modifying the sentence imposed by the learned Judicial Magistrate No.1, Kallakurichi, in C.C.No.78 of 2017 dated 12.04.2024, and enlarge the petitioner on bail pending disposal of this revision.

2. The petitioner herein is arrayed as an accused in C.C.No.78 of 2017 on the file of the learned Judicial Magistrate No.1, Kallakurichi. After trial, the trial Court found the petitioner guilty for the offences under Sections 324 & 506(2) of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 324 of IPC	to undergo rigorous imprisonment for a period of three (3) years and to pay fine of Rs.1,500/-, in default to undergo simple imprisonment for further period of one month.
2	Section 506(2) of IPC	to undergo rigorous imprisonment for a period of three (3) years and to pay fine of



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S.No.	Conviction	Sentence
		Rs.1,500/-, in default to undergo simple imprisonment for further period of one month.

Aggrieved by the same, the petitioner had filed an appeal in C.A.No.41 of 2024, and the learned Additional District Sessions Judge, Kallakurichi, by the judgment dated 30.04.2025, had partly allowed the appeal and modified the conviction and also reduced the sentence from three years to six months. Challenging the said, the present revision 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 the petition. Further, he would contend that the evidences recorded from the



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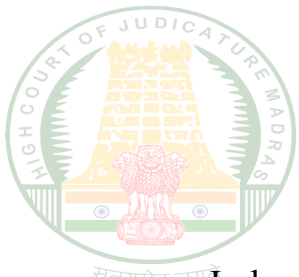
prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the Courts below.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. On perusal of the records, it is revealed that the appellant Court has already been reduced the sentence imposed on the petitioner. Further, There is a clinching evidence to prove the case of the prosecution and the prosecution had proved the case beyond the reasonable doubts. Therefore, the petitioner failed to make out *prima facie* case to suspend the sentence. The respondent is at liberty to secure the petitioner in order to undergo remaining period of sentence imposed by the trial Court as modified by the appellate Court.

7. Accordingly, the Criminal Miscellaneous petition stands dismissed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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1. The Additional District Sessions Judge,
Kallakurichi.
2. Judicial Magistrate No.1,
Kallakurichi.
3. The Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.
4. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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