



Crl.MP.No.15531 of 2025

Crl.MP.No.15531 of 2025 in
Crl.RC.No.1434 of 2025

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G.K.ILANTHIRAIYAN, J.

At the instance of the learned counsel appearing for the petitioner, today this matter has been posted under the caption “for being mentioned”.

2. Heard, the learned counsel appearing for the petitioner.

3. On hearing the submissions of the learned counsel appearing for the petitioner, it is ordered that in the third line of the prayer portion and in the third line of the first paragraph of the order passed in Crl.MP.No.15531 of 2025 in Crl.RC.No.1434 of 2025 dated 14.08.2025, the words “Crl.A.No.5 of 2023” shall read as “Crl.A.No.5 of 2025”

4. It is further ordered that in the entire order, the case type shall read as “Crl.RC” instead of “Crl.A.”



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5. Accordingly, the Registry is directed to issue a fresh order copy in

Crl.MP.No.15531 of 2025 in Crl.RC.No.1434 of 2025 dated 14.08.2025 after making necessary corrections.

08.09.2025

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CrI.MP.No.15531 of 2025

G.K.ILANTHIRAIYAN, J.

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CrI.MP.No.15531 of 2025 in
CrI.RC.No.1434 of 2025

08.09.2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS



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Crl.MP.No.15531 of 2025

DATED: 14.08.2025

CORAM:

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

Crl.M.P.No. 15531 of 2025

in

Crl.A.No.1434 of 2025

Silambarasan

...Petitioner

Vs.

The State rep. By

Inspector of police,

Latheri Police Station,

Vellore District

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of BNSS Act to suspend the sentence imposed upon the petitioner/appellant passed in Crl.A.No.5 of 2023 on the Principal Sessions Court (Sessions Division,) Vellore dated 12.03.2025 confirming the judgment in C.C.No.265 of 2015 on the file of the Judicial Magistrate Court, Katpadi, Vellore District dated 08.02.2023 pending disposal of the appeal.

For Petitioner : Mr.S.Thirugnanam

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.Side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed upon the petitioner/appellant passed in Crl.A.No.5 of 2023 on the Principal Sessions Court (Sessions Division,) Vellore dated 12.03.2025 confirming the judgment in C.C.No.265 of 2015 on the file of the Judicial Magistrate Court, Katpadi, Vellore District dated 08.02.2023 pending disposal of the appeal.

2. The petitioner herein is the accused in C.C.No.265 of 2015 on the file of the learned Judicial Magistrate, Katpadi. He was found guilty of the offence under Section 326 of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 326 of IPC	to undergo rigorous imprisonment for a period of two years and to pay fine of Rs.10,000/-, in default to undergo simple imprisonment for one month

Aggrieved by the same, the petitioner has filed this appeal along with the



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present miscellaneous petition.

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3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal 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 (Crl.Side) 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.



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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 appeal 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 Appeal, 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 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, Katpadi

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds



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and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

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(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 of every month until the disposal of the Criminal Appeal 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.

14.08.2025

(2/2)

Index : Yes/No

Neutral citation : Yes/No

Speaking/non-speaking order

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G.K.ILANTHIRAIYAN, J.

To

1. The Principal Sessions Court (Sessions Division,) Vellore
2. The Judicial Magistrate Court, Katpadi, Vellore District
3. The State rep. By
Inspector of police,
Latheri Police Station,
Vellore District

4. The Public Prosecutor,
Madras High Court,
Chennai.

Crl.M.P.No. 15531 of 2025
in Crl.A.No. 1434 of 2025

14.08.2025
(2/2)