



Crl.O.P.No.22232 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 08.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

Crl.O.P.No.22232 of 2025

G.Poongodi

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Mettur Police Station,
Mettur Taluk, Salem District.
Crime No.496 of 2009.

... Respondent

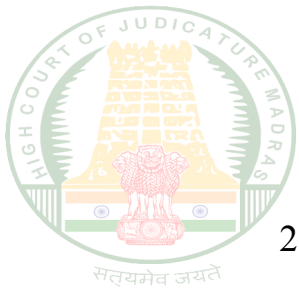
Prayer: Petition filed under Section 528 of B.N.S.S.Act, 2023., to set aside the order passed in Crl.M.P.No.48 of 2025 in Crl.A.No.54 of 2025 dated 30.04.2025 on the file of the Additional District and Sessions Court, Mettur and enlarge the petitioner on bail pending disposal of the main appeal.

For Petitioner : Mr.C.Deepakkumar

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

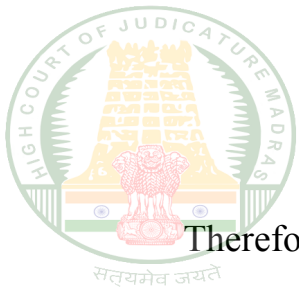
This Criminal Original Petition challenges the order passed in Crl.M.P. No. 48 of 2025 in Crl.A. No. 54 of 2025, dated 30.04.2025, on the file of the Additional District and Sessions Court, Mettur.



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2. Upon hearing the learned counsel on either side and perusing the material records, the following facts emerged: The petitioner was tried in C.C. No. 65 of 2010 for an offence under Sections 3(1) and 7(a) of the Immoral Traffic (Prevention) Act, 1956. By judgment dated 31.12.2015, the trial Court had acquitted the accused. The victim had filed an appeal in Criminal Appeal No. 499 of 2017, in which, even while upturning the finding of acquittal and finding the accused guilty, the matter was again remanded back to the learned Judicial Magistrate with reference to the question of sentence. Accordingly, the matter was again taken up with reference to the question of sentence, and by a judgment dated 01.04.2025 made in C.C. No. 65 of 2010, the petitioner was imposed with a sentence of imprisonment of 3 years and a fine of ₹2,000 for the offence under Section 3(1) of the Immoral Traffic (Prevention) Act, 1956, and was imposed with rigorous imprisonment for a period of 3 months for the offence under Section 7(a) of the Immoral Traffic (Prevention) Act, 1956. It seems that, as against the same, the petitioner has again filed Criminal Appeal No. 54 of 2025.

3. In the said scenario, the appellate Court has rightly considered that, in view of the finding of guilt by the High Court, the appellate Court can at best only consider the quantum of sentence imposed by the learned Magistrate. To that extent, no error whatsoever can be found with the appellate Court's order.



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Therefore, even in an appeal, where only the question of sentence has to be considered, there is no rule that the suspension of sentence need not be granted. If it takes a while to take up the main appeal, and in the meanwhile the accused undergoes the sentence, then the very purpose of the appeal, even with reference to the quantum of sentence, will get frustrated.

4. In view thereof, considering the fact that the petitioner has been in prison since 30.04.2025, I am of the view that, pending disposal of Criminal Appeal No. 54 of 2025, the sentence can be suspended.

5. Accordingly, the Criminal Original Petition is **allowed** on the following terms:

(i) The order passed by the learned Additional District and Sessions Court, Mettur, dated 30.04.2025, in Criminal M.P. No. 48 of 2025 in Crl.A. No. 54 of 2025, shall stand set aside.

(ii) The sentence of imprisonment against the petitioner alone shall stand suspended on the following conditions:

(a) The petitioner shall execute a bond for a sum of Rs. 25,000/- with two sureties, each for a like sum, to the satisfaction of the Appellate Court;

(b) The petitioner and the sureties shall affix their



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photographs and left thumb impressions in the surety bond, and the appellate Court may obtain a copy of their Aadhaar card or bank passbook and mobile numbers to ensure their identity;

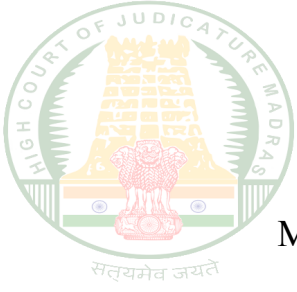
(c) The petitioner shall appear before the Appellate Court on the first working day of every English calendar month at 10:30 a.m., and if he is not able to appear before the appellate Court on any day, he shall make arrangements to file an application under Section 355 of BNSS, 2023, and shall appear before the appellate Court on any other day in lieu of the date of his absence, as directed by the appellate Court, until the disposal of the appeal.

08.08.2025

Neutral Citation: Yes/No
nsl

To
1. The Inspector of Police,
Mettur Police Station,

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Mettur Taluk, Salem District.

WEB COPY 2. The Additional District and Sessions Court, Mettur.

3. The Judicial Magistrate No.1
Mettur.
4. The Public Prosecutor
Madras High Court.
5. The Superintendent
Special Prison for Women
Salem.

D.BHARATHA CHAKRAVARTHY, J.

nsI



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