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CRL OP No. 23555 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23555 of 2025

1. Seemattaian @ Nagaraj
S/o.Perumal, Shanmuga Nagar,
Dadagapatty, Salem.

Petitioner(s)

Vs

1.State rep by
The Inspector of police,
Annadhanapatty police station,
Annadhanapatty, Salem City, Crime
No:218 of 2014

Respondent(s)

PRAYER : Petition filed under Section 482 of Cr.P.C., r/w Section 528 of BNSS, to set aside the order in CMP.No.2 of 2025 in CA.No.59 of 2024 on the file of the II Additional District Judge, Salem and thus render justice.

For Petitioner : Mr.D.Nandhagopal
For Respondent : Mr.R.Vinoth Raja,
Govt. Advocate (Crl.Side)



ORDER

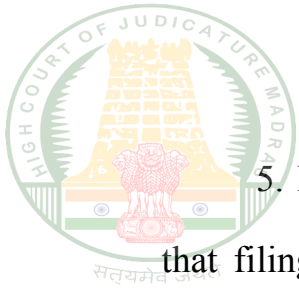
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Challenging the order of the Trial Court, dismissing the application filed for suspension of sentence for the second time, the present Petition has been filed.

2. The petitioner has been convicted for the offence under Section 392 of IPC for five years and he has filed an Appeal in C.A.No.59 of 2024. At that stage, he has filed an application for suspension of sentence. The said application has been dismissed on 20.03.2024. As against which, the petitioner has filed Crl.O.P.No.4837 of 2025 and the same was dismissed on 21.02.2025. Thereafter, the second application has been filed seeking suspension of sentence citing the change of circumstances before the Trial Court and the same was also dismissed. Hence, this Petition.

3. The learned counsel for the petitioner submitted that out of 12 cases pending against the petitioner, 7 cases were already over and only 5 cases are pending against him. The petitioner was already in custody for more than two years. Therefore, sought for suspension of sentence.

4. The Trial Court taking note of the fact that the earlier application filed for suspension of sentence was already dismissed and the same was confirmed by this Court, has dismissed the application filed for second time seeking suspension of sentence.



5. Perused the entire materials available on record. It is relevant to note that filing application for suspension of sentence is not similar to filing bail application citing the reason of change of circumstances. The Trial Court taking note of the pending cases against the petitioner and the dismissal of the earlier application seeking suspension of sentence and that was confirmed by this Court, had dismissed the application in CMP.No.2 of 2025.

6. In such view of the matter, I do not find any merit in the present Petition and the same is liable to be dismissed. Considering the fact that the appeal is of the year 2024, the Appellate Court is directed to dispose of the Appeal within a period of two months from the date of receipt of a copy of this order.

7. Accordingly, this Criminal Original Petition is dismissed.

26-08-2025

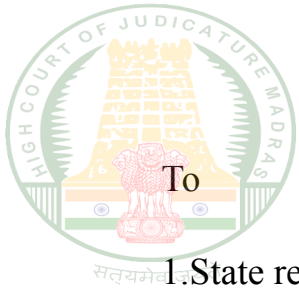
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

gsk



To

1.State rep by

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1.The Inspector of police,
Annadhanapatty police station,
Annadhanapatty, Salem City, Crime
No.218 of 2014.

2.The Public Prosecutor,
High Court of Madras.



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N.SATHISH KUMAR J.
gsk

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