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Crl.MP.No.15789 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2025

CORAM:

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

Crl.M.P.No.15789 of 2025

in

Crl.RC.No.1496 of 2025

Saravana Kumar

...Petitioner

Vs.

State represented By:
The Inspector of Police,
Kunnathur Police Station
(crime No.234 of 2016)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS., to suspend the sentence imposed on the petitioner in CC.No.165 of 2019 by an order dated 31.07.2023 on the file of the District Munsif cum Judicial Magistrate Court, Uthukuli and confirmed in Criminal Appeal No.216 of 2023 on the file of the I Additional District and Sessions Judge, Tiruppur by a judgment dated 04.08.2025 and release the petitioner on bail pending disposal of the above criminal revision.



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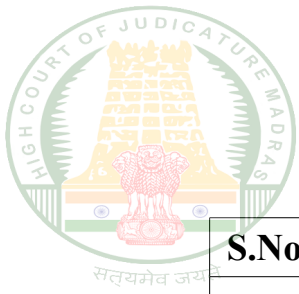
For Petitioner : Mr.K.Balasubramaniam
For Respondent : Mr.A.Gopinath,
Government Advocate(crl.side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in CC.No.165 of 2019 by an order dated 31.07.2023 on the file of the District Munsif cum Judicial Magistrate Court, Uthukuli and confirmed in Criminal Appeal No.216 of 2023 on the file of the I Additional District and Sessions Judge, Tiruppur by a judgment dated 04.08.2025 and release the petitioner on bail pending disposal of the above criminal revision.

2. The petitioner herein is the accused in CC.No.165 of 2019 on the file of the District Munsif cum Judicial Magistrate Court, Uthukuli. He was found guilty of the offences under Sections 279, 337(6 counts), 338 & 304A of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 279 of IPC	to undergo simple imprisonment for a period of six months and to pay fine of Rs.1,000/-, in



S.No.	Conviction	Sentence
		default to undergo simple imprisonment for one week.
2	Section 337 of IPC (6 counts)	For each count, to undergo simple imprisonment for a period of six months and to pay fine of Rs.500/-, in default to undergo simple imprisonment for one week
3	Section 338 of IPC	to undergo simple imprisonment for a period of six months and to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for one week.
4	Section 304A of IPC	to undergo simple imprisonment for a period of two years and to pay fine of Rs.10,000/-, in default to undergo simple imprisonment for three months.

Aggrieved by the same, the petitioner preferred appeal before I Additional District and Sessions Judge, Tiruppur in Criminal Appeal No.216 of 2023, wherein the judgment of the trial court was confirmed, against which the aforesaid criminal revision has been filed.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Revision and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is



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ready to abide the condition imposed by this Court.

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4. Per contra, the learned Government Advocate(crl.side) 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 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 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 are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on his execution of a 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 District Munsif cum Judicial Magistrate Court, Uthukuli

(b) The petitioner/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 petitioner shall report before the Trial Court as and when required by the trial court

8. With the above directions, this Criminal Miscellaneous Petition is ordered.

25.08.2025

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.District Munsif cum Judicial Magistrate Court, Uthukuli
- 2.The I Additional District and Sessions Judge, Tiruppur
- 3.The Inspector of Police,
Kunnathur Police Station
4. The Public Prosecutor,
Madras High Court

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in
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