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CRL MP NO. 16705 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP NOs. 16704 & 16705 of 2025

IN

CRL RC NO. 970 OF 2025

Dalpat Singh
S/o.Habtaji

Petitioner(s)

Vs

State rep. by the
Sub-Inspector of Police,
C.2 (L&O), Elephant Gate Police Station,
Chennai.

Respondent(s)

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Section 389(1) of Cr.P.C. r/w.430 of BNSS and under Section 482 of Cr.P.C, r/w.528 of BNSS, praying to suspend the sentence imposed on the petitioner by the learned VIII Metropolitan Magistrate, George Town, Chennai in CC.No.12 of 2023, dated 28.08.2024 in Crl.A.No.723 of 2024 on the file of the XVII Additional District and Sessions Judge, Chennai, dated 17.04.2025 till the disposal of the main Crl.R.C.No.970 of 2025, and to exempt the petitioner from surrendering pending disposal of the above Criminal Revision Petition.



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In both petitions

For Petitioner : Mr.V.Pavel

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

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking suspension of sentence imposed by the learned VIIIth Metropolitan Magistrate, George Town, Chennai, in C.C.No.12 of 2023 dated 28.08.2024 in Cr.A.NO.723 of 2024, by the learned XVII Additional District and Sessions Judge, dated 17.04.2025 till the disposal of the main Crl.R.C.No.970 of 2025 and seeking to exempt the petitioner from surrendering before the trial Court pending disposal of the above revision petition.

2. The petitioner herein is the accused in C.C.No.12 of 2023 on the file of the VIIIth Metropolitan Magistrate, George Town, Chennai. He was found guilty of the offence under Sections 354(4) and 294(b) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, and he has been convicted and sentenced as under:



S.No.	Conviction	Sentence
1	Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 for 2 counts on 28.08.2024	to undergo simple imprisonment for a period of three (3) months for each and to pay fine of Rs.10,000/-, for each, in default of payment of fine, he shall undergo 15 days for each in addition to that and the above sentence runs concurrently, after deducting the pre trial confinement of 15 days.

Aggrieved by the same, the petitioner had filed appeal in CrI.A.No.723 of 2024 and the learned XVII Additional District and Sessions Judge, Chennai, by an order dated 17.04.2025, had dismissed the appeal and confirmed the conviction and sentence, against which 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. Further it is his specific submission that the petitioner was enlarged on bail during the time of pendency of the appeal before the first appellate Court and the petitioner may be exempted from surrendering before the Trial Court. He would submit that the petitioner is ready to abide the condition imposed by this Court.



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4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing these petitions. 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. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on the following conditions:



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(a) The petitioner/accused is ordered to be released on bail, on his executing 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 VIII Metropolitan Magistrate, George Town, Chennai.

(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 appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision petition 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 355 of BNSS, 2023. 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.

7. With the above directions, these Criminal Miscellaneous Petitions are ordered.

04.09.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To
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1. The VIII Metropolitan Magistrate, George Town, Chennai.
2. The XVII Additional District and Sessions Judge, Chennai.
3. The Public Prosecutor, High Court of Madras.



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T.V.THAMILSELVI, J.
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