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*Crl.M.P.Nos.15935 & 15939 of 2024
in Crl.R.C.No.1945 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2025

CORAM:

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

Crl.M.P.Nos.15935 & 15939 of 2024
in
Crl.R.C.No.1945 of 2024

V.Murugan

...Petitioner in both
Petitions

Vs.

The State by
The Sub Inspector of Police,
Arni Taluk Police Station,
Thiruvannamalai District.
(Crime No.767 of 2006)

... Respondent in both
Petitions

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to suspend the sentence passed by the learned Additional District and Sessions Judge, Arni by the Judgement dated 22.04.2024 in C.A.No.4 of 2013 confirming the sentence passed by the learned Assistant Sessions Judge, Arni in S.C.No.38 of 2009 by the judgment dated 07.01.2013 u/s 307 IPC (Two counts) and sentenced to undergo 7 years simple imprisonment and also imposed fine of Rs.5,000/- in default to undergo 2 months simple imprisonment and also convicted u/s 324 (2 counts) of IPC and further imposed fine of Rs.5,000/- in default undergo 2 months simple imprisonment by enlarging him on bail



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and to exempt the petitioner from surrendering in S.C.No.38 of 2009 before the learned Assistant Sessions Judge, Arni, pending disposal of the above Criminal Revision Petition.

In both petitions

For Petitioner : Mr.B.Sundarapandian

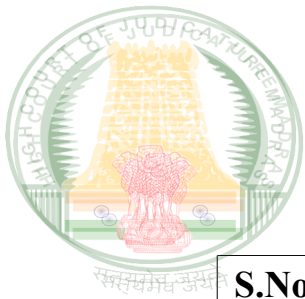
For Respondent : Mr.A.Gopinath

Government Advocate (Crl. Side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking suspension of sentence imposed by the learned Additional District and Sessions Judge, Arni, in C.A.No.4 of 2013 dated 22.04.2024, by confirming the judgment and sentence passed in S.C.No.38 of 2009 dated 07.01.2013, by the learned Assistant Sessions Judge, Arni, and enlarge the petitioner on bail and also seeking to exempt the petitioner from surrendering before the trial Court pending disposal of the above revision petition.

2. The petitioner herein is an accused in S.C.No.38 of 2009 on the file of the learned Assistant Sessions Judge, Arni. He was found guilty of the offences under Sections 307 & 324 of IPC and he has been convicted and sentenced as under:



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S.No.	Conviction	Sentence
1	Section 370 of IPC (2 counts)	to undergo simple imprisonment for a period of seven (7) years and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for further period of two (2) months.
2	Section 324 of IPC (2 counts)	to undergo simple imprisonment for a period of three (3) years and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for further period of two (2) months.

Aggrieved by the same, the petitioner had filed appeal in C.A.No.4 of 2013 and the learned Additional District and Sessions Judge, Arni, by the judgment dated 22.04.2024, 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 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. On perusal of the records, it is revealed that the petitioner had committed very serious offences as against two victims. Further, There is a clinching evidence to prove the case of the prosecution and the prosecution had proved the case beyond the reasonable doubts. The petitioner failed to make out *prima facie* case to suspend the sentence. Therefore, this Court is not inclined to allow these petitions.

7. Accordingly, both the Criminal Miscellaneous petitions stand



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dismissed.

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

rts

To

1. The Additional District and Sessions Judge,
Arni.

2. The Assistant Sessions Judge,
Arni

3. The Sub Inspector of Police,
Arni Taluk Police Station,
Thiruvannamalai District.

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



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G.K.ILANTHIRAIYAN, J.
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