



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP NO. 17351 OF 2025

in

CRL RC No. 1700 of 2025

V.Sellappan
S/o.Vasudevan,
Kelkudhapakkam, Kilianur, Vanur,
Now residing at No.8, 4th Cross Street,
Sriram Nagar, Thilaspeth, Pondicherry -
605 009.

Petitioner(s)

Vs

State, represented by
Inspector of Police, CCIW-CID,
Villupuram, Cr.No.05/2004

Respondent(s)

CRL MP No. 17351 of 2025

PRAYER

To suspend the sentence of imprisonment imposed on the petitioner/3rd Accused in CA.No.92 of 2018 on 18/08/2025 by the Principal Session Court, Villupuram, by reversing Judgment made in C.C.No.72 OF 2004 on the file of the Judicial Magistrate Court, Vanur pending disposal of the Criminal Revision Case on the file of this Court.



CRL RC No. 1700 of 2025

PRAYER

To setting aside the Judgement of conviction and sentence imposed on the Petitioner/Accused No.3 passed by the Principal Sessions Court, Villupuram in Criminal Appeal No.92 of 2018 on 12-08-2025 and 18-08-2025 by reversing Judgment made in C.C.NO.72 of 2004 on the file of the Judicial Magistrate Court, Vanur and acquit the petitioner.

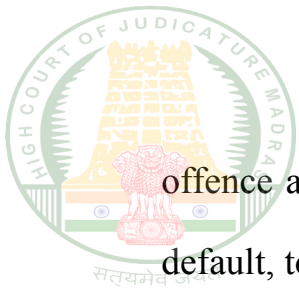
For Petitioner(s): Mrs.P.V.Rajeswari

For Respondent(s): Dr.C.E.Pratap,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the Principal Sessions Court, Villupuram in C.A.No.92 of 2018, dated 18.08.2025, by reversing the Judgment dated 01.03.2017 passed in C.C No. 72 of 2004 passed by the learned Judicial Magistrate, Vanur and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the 3rd accused in C.C No. 72 of 2004 on the file of the learned Judicial Magistrate, Vanur. He was found guilty of the offence under Section 408 and 477(A) of I.P.C. and he has been convicted and sentenced to undergo Rigorous imprisonment for a period of one year for each



offence and to pay a fine of Rs.2000/- for the offence under Sec.408 I.P.C., in default, to undergo simple imprisonment for one month. Aggrieved by the same, the petitioner had filed an appeal in CrI.A No.92 of 2018 and the learned Principal Sessions Judge, Villupuram by order dated 18.08.2024, had allowed the above appeal, reversing the judgment and sentence imposed by the trial Court. Aggrieved by the same, 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. He would submit that the petitioner is ready to abide any condition to be imposed by this Court.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is arrayed as A3 and he had misappropriated the amount to the tune of Rs.8900/- by selling dothis and sarees under their custody and after selling those materials, they have not handed over the amount, to that extent, the charges were framed. Hence, he would vehemently opposed to suspend the sentence imposed on the petitioner.



5. Heard the learned counsel appearing for the petitioner and learned Government Advocate (Crl. Side) for respondent also perused the materials placed on record.

6. On seeing the records, it reveals the fact that the prosecution not proved the alleged misappropriation, but the first appellate court observed that he had also committed misappropriation along with A1. So, according to the observation made by the first appellate court, sarees and dhoties valued about more than Rs.8900/- was handed over to A3, but the same was not remitted and the total amount of misappropriation comes around more than Rs.2,00,000/-, but only a sum of Rs.76,000/-was recovered according to the prosecution. But the petitioner is having valid defence to prove his defence. Considering that and on considering the submissions of both sides, coupled with the quantum of punishment imposed upon the petitioner and taking into consideration the fact that 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:

(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 Judicial Magistrate, Vanur.



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(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 daily at 10.30 a.m., for a period of 30 days and thereafter, on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal 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, this Criminal Miscellaneous Petition is ordered.

16-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Principal Sessions Court, Villupuram

2. Judicial Magistrate, Vanur.

3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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2025
AND CRL MP NO.
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**16-09-2025
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