



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 19333 of 2025

AND

CRL MP NO. 19335 OF 2025,CRL RC NO. 1084 OF 2024

DHARMARAJ

S/O.Anbu, No.1/239, Kattankuttai,
Ettiveerampalayam, Tiruppur-641 666.

Petitioner(s)

Vs

The State by The Inspector Of Police,
The Inspector Of Police, Perumanallur
Police Station, Tiruppur District.
Cr.No.322/2019.

Respondent(s)

CRL MP No. 19333 of 2025

PRAYER

To suspend the sentence passed in Crl.A.No.28 of 2020 dated 27.07.2021 on the file of the Principal Sessions Judge Tiruppur modifying the judgment and sentence passed in SC.No.5 of 2020 dated 15.07.2020 the on the file of the Chief JM Tiruppur and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.



CRL MP No. 19335 of 2025

PRAYER

To exempt the petitioner and sentence before the passed in Crl.A.No.28 of 2020 dated 27.07.2021 on the file of the Principal Sessions Judge Tirppur modifying the judgment and sentence passed in SC.No.5 of 2020 dated 15.07.2020 the on the file of the Chief JM Tiruppur.

CRL RC No. 1084 of 2024

PRAYER

To set aside the Judgment and sentence passed in Crl.A.No.28 of 2020 dated 27.07.2021 on the file of the Principal Sessions Judge, Tiruppur convicting the petitioner and the Judgment and sentence passed in SC.No.5 of 2020 dated 15.07.2020 on the file of the Chief Judicial Magistrate, Tiruppur.

For Petitioner(s): Mr. S.Sairaman

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 learned Principal Sessions Judge, Tiruppur in Crl.A.No.28 of 2020 dated 27.07.2021 modifying the judgment and sentence passed in S.C.No.5 of 2020 dated 15.07.2020 by the Chief Judicial Magistrate, Tiruppur and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

2. The petitioner herein is the accused in S.C.No.5 of 2020 on the file of the learned Chief Judicial Magistrate, Tiruppur. He was found guilty of the



offences under Section 392 r/w 34 of IPC/BNS and he has been convicted and sentenced to undergo rigorous imprisonment for the period of 5 years and to pay a fine of Rs.4000/-, in default, to undergo rigorous imprisonment for the period of four months. Aggrieved by the same, the petitioner had preferred an appeal in Crl.A.No. 28 of 2020 before the Principal Sessions Judge, Tiruppur and the learned appellate judge modified the sentence. Challenging the said findings, he filed this revision petition and consequently, he filed the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that he has been falsely implicated in this case as if he along with other accused threatened the defacto complainant and committed robbery. He would further submit that he is ranked as A3 and sentence as against A2 was already suspended and he is in judicial custody for more than a period of five months. He would further submit that there are arguable points available in the Criminal Revision Case and the petitioners/accused have 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 the condition imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this



petition and one previous case registered under Sec.386 of I.P.C. is pending against him. 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 appellate Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. On seeing the facts, it reveals that one previous case registered under Sec.386 of I.P.C. in Crime No.801 of 2021 is pending against him on the file of Perumanallur Police Station, as on date that case was closed by the Dedicated Bench of this Court, he is ready to abide any condition imposed by this court, he is in custody for more than five months, property was recovered, sentence with respect to A2 was already suspended and fine amount was also paid. Considering that and 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 Case 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.



7. Accordingly, till the disposal of the Criminal Revision Case, 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 their executing a separate bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, in which one surety must be a blood surety, each for a like sum to the satisfaction of the **learned Judicial Magistrate-IV, Tiruppur.**

(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 respondent police daily at 10.30 a.m. for the period of three months and he shall cooperate with the trial proceedings and also directed to 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 Criminal Revision Case** 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 317 Cr.P.C. 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.

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8. With the above directions, this Criminal Miscellaneous Petition in CrI.M.P.No.19333 of 2025 is ordered.

9. In view of the fact that this Court has granted suspension of sentence in favour of the petitioner, the petition seeking exemption from surrendering in CrI.M.P.No. 19335 of 2025 is closed.

17-10-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

1. Principal Sessions Judge, Tiruppur.

2. Chief Judicial Magistrate, Tiruppur.

3.The Inspector Of Police, Perumanallur Police Station, Tiruppur District.

4. The Public Prosecutor, High Court, Madras.



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CRL MP No. 19333 of 2025



T.V.THAMILSELVI J.

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