



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.Nos.20137 & 20139 of 2025
in Crl.R.C.No.2188 of 2025**

1.B.Dhivakar
2.G.Manikandan

...Petitioners in both Crl.M.Ps

Versus

State Rep. by
Inspector of Police,
Poombuhar Police Station,
Mayiladuthurai District.
(Crime No.87 of 2016)

...Respondent in both Crl.M.Ps

Prayer in Crl.M.P.No.20137 of 2025 in Crl.R.C.No.2188 of 2025:

This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 praying to suspend the sentence imposed in the Judgment passed in C.A.No.15 of 2024 dated 20.02.2025 on the file of the District and Sessions Judge, Mayiladuthurai confirming the Judgment passed by the learned District Munsif cum Judicial Magistrate, Tharangambadi in C.C.No.210 of 2019 dated 22.04.2024 sentencing to pay a fine of Rs.500/- in default to undergo simple imprisonment for one week for offence punishable U/s 341 of IPC and to undergo one year Simple Imprisonment and to pay fine of Rs.5,000/- in default to undergo Simple Imprisonment for



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1 month for offence punishable U/s.324 of IPC and sentenced the Petitioners/Accused – A2 to pay a fine of Rs.500/- in default to undergo simple imprisonment for one week for offence punishable U/s 341 of IPC and to undergo two years Simple Imprisonment and imposed fine of Rs.10,000/- in default to undergo Simple Imprisonment for 1 month for offence punishable U/s.326 of IPC and the sentenced Accused – A3 to pay Rs.500 for offence punishable U/s.341 in default to undergo imprisonment for one week and enlarge the petitioners on bail pending disposal of the above Criminal Revision Petition before this Court.

Prayer in Crl.M.P.No.20139 of 2025 in Crl.R.C.No.2188 of 2025:

This Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023 praying to exempt the petitioner from surrendering pursuant to the order of conviction passed in C.C.No.210 of 2019 on the file of the District Munsif cum Judicial Magistrate at Tharangambadi by Judgment dated 22.04.2024 which was confirmed in C.A.No.15 of 2024 on the file of the District and Sessions Judge at Mayiladuthurai by Judgment dated 20.02.2025 pending disposal of the present Criminal Revision Petition.

For Petitioner in both Crl.M.Ps : M/s.S.Thankira

For Respondent in both Crl.M.Ps : Dr.C.E.Pratap,
Govt. Advocate (Crl.Side)



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COMMON ORDER

The Criminal Miscellaneous Petition No.20137 of 2025 has been filed by the Petitioners seeking to suspend the sentence imposed on them by the learned District Munsif cum Judicial Magistrate, Tharangambadi vide Judgment dated 22.04.2024 in C.C.No.210 of 2019 which was confirmed by the learned District Judge, Mayiladuthurai vide Judgment dated 20.02.2025 in C.A.No.15 of 2024 and enlarge them on bail pending disposal of the above Criminal Revision Petition.

2. The Criminal Miscellaneous Petition No.20139 of 2025 has been filed by the Petitioners seeking to exempt them from surrendering before the trial Court pursuant to the judgment of conviction dated 22.04.2024 in C.C.No.210 of 2019 on the file of the learned District Munsif cum Judicial Magistrate at Tharangambadi which was confirmed in C.A.No.15 of 2024 on the file of the District Sessions Judge at Mayiladuthurai by Judgment dated 20.02.2025 pending disposal of the present Criminal Revision Petition.



3. The Petitioners are Accused Nos.1 & 2 in C.C.No.210 of 2019 on the file of District Munsif cum Judicial Magistrate Court, Tharangambadi.

The 1st Petitioner/Accused No.1 was found guilty of the offence under Sections 341 & 324 of I.P.C and 2nd Petitioner/Accused No.2 was found guilty of the offence under Sections 341 & 326 of I.P.C. Therefore, the trial Court vide Judgment dated 22.04.2024 in C.C.No.210 of 2019, convicted the Petitioners/Accused and sentenced them as follows:

Name of the Petitioner/Accused	Offence	Sentence
B.Dhivakar (A1)	Under Section 341 of IPC	To pay a fine of Rs.500/-, in default, to undergo simple imprisonment for 1 week.
	Under Section 324 of IPC	To undergo simple imprisonment for 1 year and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for 1 month
G.Manikandan (A2)	Under Section 341 of IPC	To pay a fine of Rs.500/-, in default, to undergo simple imprisonment for 1 week.
	Under Section 326 of IPC	To undergo simple simple imprisonment for 2 years and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for 1 month.

Aggrieved by the said conviction and sentence, Petitioners/Accused had preferred a Criminal Appeal in C.A.No.15 of 2024 before the District Court, Mayiladuthurai. However, the Appellate Court vide Judgment dated 20.02.2025, dismissed the said Criminal Appeal and confirmed the



judgment of trial Court. Hence, Petitioners/Accused have filed the present Criminal Revision Case before this Court.

4. The learned counsel for the Petitioners/Accused submitted that Petitioners/Accused have a fair chance of succeeding in the Criminal Revision Case and they are ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on the Petitioners/Accused may be suspended.

5. The learned Government Advocate (Crl.Side) appearing on behalf of the respondent Police submitted that the Appellate Court has clearly held in its findings that there is a overwhelming evidence available against the Petitioners/Accused to suggest that they are sole responsible to the commission of crime and has rightly confirmed the conviction and sentence imposed by the trial Court.

6. Heard the learned counsel for Petitioners/Accused and the learned Government Advocate (Crl.Side) appearing for respondent Police.



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7. Considering the submissions made by the learned counsel for Petitioners/Accused coupled with the quantum of punishment imposed on Petitioners/Accused and taking into consideration of the fact that the Criminal Revision is likely to be taken up for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment alone.

8. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) The sentence of imprisonment imposed on the Petitioners/Accused shall be suspended on condition that they shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a likesum to the satisfaction of the trial Court;

(ii) The Petitioners/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the trial Court may obtain a copy of their Aadhaar Card or Bank Pass Book and their mobile numbers to ensure their identity;



(iii) The Petitioners/Accused 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 Criminal Revision Case and if they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

9. With the above directions, Criminal Miscellaneous Petition No.20137 of 2025 is allowed. Consequently, Criminal Miscellaneous Petition No.20139 of 2025 is closed.

30.10.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to list the Criminal Revision Case for hearing on 02.01.2026.



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To

- 1.The District Munsif cum Judicial Magistrate,
Tharangambadi.
- 2.The District Judge,
Mayiladuthurai.
- 3.The Inspector of Police,
Poombuhar Police Station,
Mayiladuthurai District.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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