WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.M.P.Nos.19443 & 19445 of 2025
in Crl.R.C.No.2086 of 2025

Mohanasundaram

...Petitioner in both Crl.M.Ps

Versus

State by
The Station House Officer,
The DCB Police, Villupuram District.
(Crime No.17 of 2010)

...Respondent in both Crl.M.Ps

Prayer in Crl.M.P.No.19443 of 2025 in Crl.R.C.No.2086 of 2025:

This Criminal Miscellaneous Petition is filed under Section 438(1) of BNSS, 2023 praying to suspend the sentence imposed in the judgment in C.A.No.43/2025 on the file of the learned I Additional District and Sessions Judge, Tindivanam) dated 29.08.2025 confirming the conviction and sentence imposed in the Judgment dated 05.04.2025 in C.C.No.53 of 2011 by the learned Judicial Magistrate No.II at Tindivanam and grant bail to the petitioner pending disposal of the Criminal Revision Petition.

https://www.mhc.tn.gov.in/judis

WEB COPY

Prayer in Crl.M.P.No.19445 of 2025 in Crl.R.C.No.2086 of 2025:

This Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023 praying to exempt the petitioner from surrendering before the trial Court in C.C.No.53 of 2011 on the file of the learned Judicial Magistrate No.II at Tindivanam and having been confirmed by learned I Additional District and Sessions Judge, Tindivanam on 29.08.2025 in C.A.No.43 of 2025 for the pending disposal of the Criminal Revision Petition.

For Petitioner in both Crl.M.Ps : Mr.D.Ashokkumar

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

COMMON ORDER

The Criminal Miscellaneous Petition No.19443 of 2025 has been filed by the Petitioner seeking to suspend the sentence imposed on him by the learned Judicial Magistrate No.II, Tindivanam vide Judgment dated 05.04.2025 in C.C.No.53 of 2011 which was confirmed by the learned I Additional District and Sessions Judge, Tindivanam vide Judgment dated 29.08.2025 in C.A.No.43 of 2025 and enlarge him on bail pending disposal of the above Criminal Revision Petition.

https://www.mhc.tn.gov.in/judis

WEB COPY

2. The Criminal Miscellaneous Petition No.19445 of 2025 has been filed by the Petitioner seeking to exempt him from surrendering before the trial Court in C.C.No.53 of 2011 on the file of the learned Judicial Magistrate No.II at Tindivanam and having been confirmed by learned I Additional District and Sessions Judge, Tindivanam on 29.08.2025 in C.A.No.43 of 2025 for the pending disposal of the Criminal Revision Petition.

3. The Petitioner is Accused No.2 in C.C.No.53 of 2011 on the file of the learned Judicial Magistrate No.II, Tindivanam. The Petitioner/Accused No.2 was found guilty of the offence under Section 420 of IPC. Therefore, the trial Court vide Judgment dated 05.04.2025 in C.C.No.53 of 2011, convicted the Petitioner/Accused No.2 and sentenced him to undergo simple imprisonment for 1 year and to pay a fine of Rs.2,000/-, in default, to undergo simple imprisonment for 2 months. Aggrieved by the said conviction and sentence, Petitioner/Accused No.2 had preferred a Criminal Appeal in C.A.No.43 of 2025 before the learned I Additional District and Sessions Judge, Tindivanam. However, the Appellate Court vide Judgment

https://www.mhc.tn.gov.in/judis

WEB COPY

dated 29.08.2025, dismissed the said Criminal Appeal and confirmed the judgment of the trial Court. Hence, Petitioner/Accused No.2 has filed the present Criminal Revision Case before this Court.

4. The learned counsel for the Petitioner/Accused No.2 submitted that Petitioner/Accused No.2 has been falsely implicated in this case and he has a fair chance of succeeding in the Criminal Revision Case. Further, Petitioner/Accused No.2 is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel for the Petitioner/Accused No.2 prayed that the substantive sentence imposed on the Petitioner/Accused No.2 may be suspended.

5. The learned Government Advocate (Crl.Side) appearing on behalf of the respondent Police submitted that Petitioner/Accused No.2 has committed the offence under Section 420 of IPC and the same was proved by the prosecution beyond all reasonable doubts. Therefore, the learned Government Advocate (Crl.Side) prayed that the sentence imposed on the Petitioner/Accused No.2 may not be suspended.

https://www.mhc.tn.gov.in/judis

WEB COPY

6. Heard the learned counsel for Petitioner/Accused No.2 and the learned Government Advocate (Crl.Side) appearing for respondent Police.

7. Considering the submissions made by the learned counsel for the Petitioner/Accused No.2 coupled with the quantum of punishment imposed on the Petitioner/Accused No.2 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 Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on the following conditions:

> (i) The Petitioner/Accused No.2 shall deposit a sum of Rs.6,250/- (Rupees Six Thousand Two Hundred and Fifty only) to the credit of C.C.No.53 of 2011 on the file of the learned Judicial Magistrate No.II, Tindivanam, within a period of four weeks from the date of receipt of a copy of this order, failing which, this order shall stand automatically cancelled.

https://www.mhc.tn.gov.in/judis

WEB COPY

(ii) On such deposit being made, the trial Court shall re-deposit the said amount in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically. After the disposal of Criminal Revision Case, the said amount shall be disbursed to the victims.

(iii) If the Petitioner/Accused No.2 fails to deposit the aforesaid amount, it is open to the trial Court to commit the Petitioner/Accused No.2 into custody for undergoing the sentence.

(iv) The sentence of imprisonment imposed on the Petitioner/Accused No.2 shall be suspended on condition that he 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;

(v) The Petitioner/Accused No.2 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;

(vi) The Petitioner/Accused No.2 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 he is not able to appear before the trial Court on any day, he shall make arrangements to file an application

https://www.mhc.tn.gov.in/judis

WEB COPY

under Section 355 of BNSS, 2023 and shall appear before the trial Court on any other day in lieu of his absence, as directed by the trial Court.

9. With the above directions, Criminal Miscellaneous Petition No.19443 of 2025 is allowed. Consequently, Criminal Miscellaneous Petition No.19445 of 2025 is closed.

25.10.2025

mrr
Index: Yes/No
Speaking Order (or) Non-Speaking Order

To

1.The Judicial Magistrate No.II,
Tindivanam.

2.The I Additional District and Sessions Judge,
Tindivanam.

3.The Public Prosecutor,
High Court, Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

T.V.THAMILSELVI, J.

mrr

Crl.M.P.Nos.19443 & 19445 of 2025
in Crl.R.C.No.2086 of 2025

25.10.2025

https://www.mhc.tn.gov.in/judis