



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 19352 of 2025

AND

CRL RC NO. 171 OF 2025

Arthanareeswaran
S/o.Kumarasamy, No.207/1, Uzhavan
Nagar, Kuttapalyam Post, Naththa
Kadaiyur, Kangayam, Tiruppur District.

Petitioner(s)

Vs

State rep. by,
The Inspector of Police, Kangayam
Police Statio, Tiruppur District. Crime
No.469 of 2014

Respondent(s)

CRL MP No. 19352 of 2025

PRAYER

To suspend the sentence imposed on the petitioner in C.A.No.23 of 2018 passed by the learned III-Additional District and Sessions Judge, Dharapuram dated 04.01.2025 as confirmed by the Judgment of the Learned Assistant Sessions and Sub Ordinate Judge, Kangayam in S.C.No.117 of 2016 dated 06.03.2018 and enlarge the petitioner on bail pending disposal of the above Criminal Revision.



CRL RC No. 171 of 2025

PRAYER

To set aside the judgement passed by the learned III Additional District and Sessions Judge, Dharapuram in C.A.No.23 of 2018 dated 4.1.2025 as confirmed by the judgment of the learned Assistant Sessions and Sub Ordinance Judge, Kangayam in S.C.No.117 of 2016 dated 6.3.2018.

For Petitioner(s): Mr. C.Ramkumar

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 in Cr.A.No.23 of 2018 passed by learned III Addl. District and Sessions Judge, Dharapuram dated 04.01.2025 as confirmed by the judgment of learned Asst. Sessions and Subordinate Judge, Kangayam, in S.C.No.117 of 2016 dated 06.03.2018, 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.117 of 2016 on the file of the learned Asst. Sessions and Subordinate Judge, Kangayam. He was found guilty of the offences under Section 294(b), 324 and 307 (2 counts) of IPC/BNS and he has been convicted and sentenced as under:



S.No.	Conviction	Sentence
1	Section 294(b) of I.P.C.	to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for three months.
2	Section 324 of IPC	to pay fine of Rs.2,000/-, in default to undergo simple imprisonment for six months.
3	Sec.307(2 counts) of I.P.C.	To undergo rigorous imprisonment for the period of seven years and to pay a fine of Rs.1000/- each in default to undergo simple imprisonment for three months each

Aggrieved by the same, the petitioner had filed this appeal and consequently, he filed the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that he is arrayed as A1 and he said to have assaulted the defacto complainant with aruval both of his legs on the date of occurrence. In fact, both were neighbours and on that day, there was a wordy quarrel between them, due to which he sustained lacerated injury on the forehead, wherein he along with other accused have said to have involved in the said assault. He would submit that sentence with respect to A2 was already suspended. He would submit that still he is having valid defence and he has been falsely implicated in this case and he is in judicial custody from 04.01.2025 for more than ten 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.

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4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that on the said day, there was a wordy quarrel between parties, due to which, the defacto complainant sustained lacerated injury on the forehead. He would also submit 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 seeing the facts, it reveals that on the date of occurrence, there was a wordy quarrel between them, as a result of which, the defacto complainant sustained lacerated injury on the forehead and sentence with respect to A2 was already suspended and he is in judicial custody from 04.01.2025 for more than 10 months 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 directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of S.C.No.117 of 2016 on the file of learned Assistant Sessions and Subordinate Judge, Kangayam within a period of four weeks from the date of receipt of copy of this order.** On such deposit, the defacto complainant Sakthivel is permitted to withdraw the amount on filing undertaking affidavit.

(b) 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 each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Assistant Sessions and Subordinate Judge, Kangayam.**



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(c) 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.

(d) The petitioner shall appear before the respondent police on every Saturday at 10.30 a.m. for the period of three months and he shall also 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.

8. With the above directions, this Criminal Miscellaneous Petition is ordered.

17-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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1. Asst. Sessions and Subordinate Judge, Kangayam.
2. The Inspector of Police, Kangayam Police Station, Tiruppur District.
3. The Superintendent of Prison, Central Prison, Coimbatore.
4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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